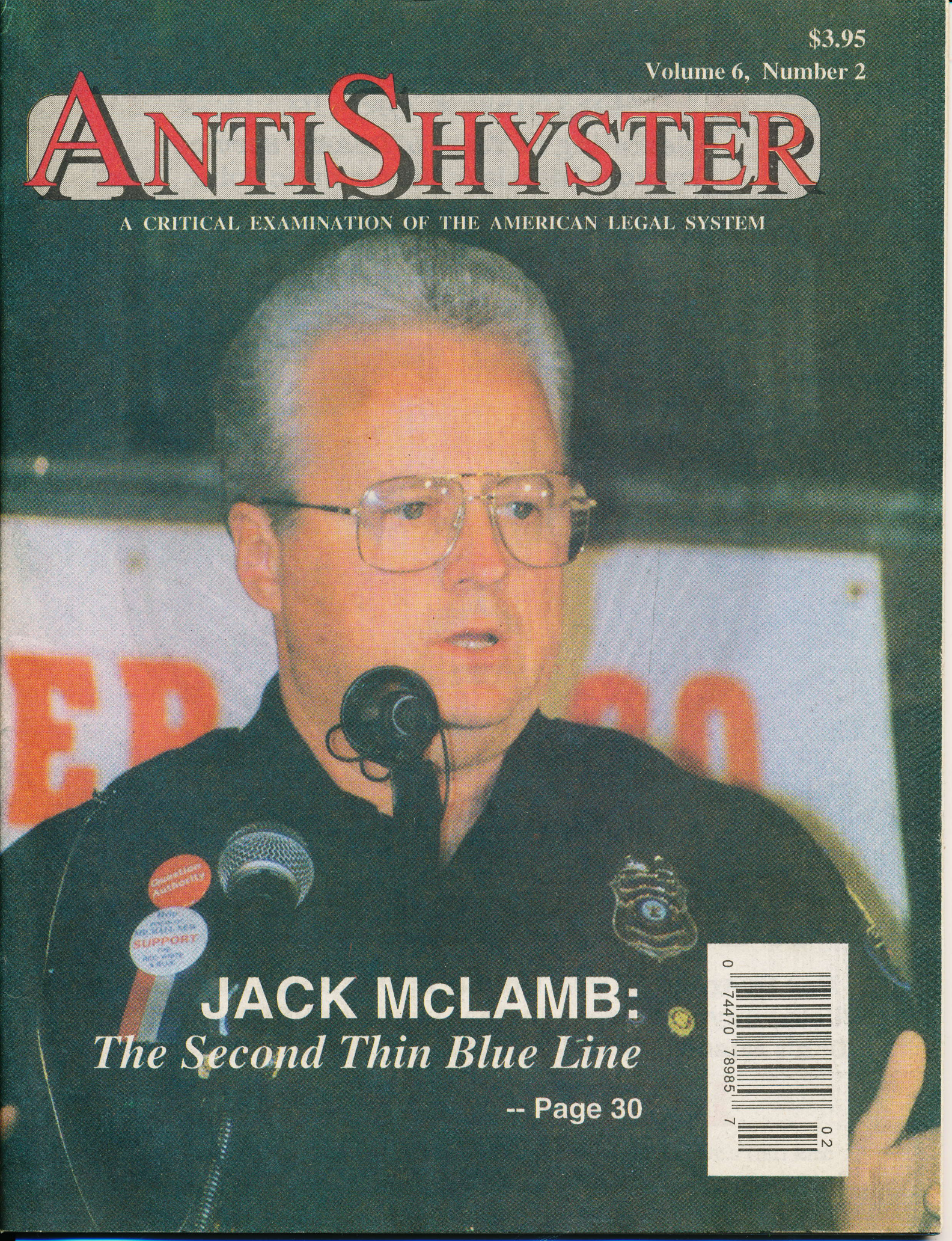
$3.95
Volume 6, Number 2

ANTISHYSTER

A CRITICAL EXAMINATION OF THE AMERICAN LEGAL SYSTEM



JACK McLAMB:
The Second Thin Blue Line

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ANTISHYSTER News Magazine

VOLUME 6, NUMBER 2

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Cover: Photo by Alfred Adask

*Mr. Murphy's distinctive artwork appears regularly in the *AntiShyster*. "Murph" is a freelance artist; anyone interested in hiring his talents should contact the *AntiShyster*.

*D. Stukas draws the "Oinkwell" pigs for the *AntiShyster*. Those interested in hiring Mr. Stukas' talents should contact him through the *AntiShyster*.

*"The Cheese Weasel" is reprinted by permission of Jim Ridings. There are six, 48-page issues of the further adventures of "The Cheese Weasel" available for $2.95 each, postpaid, from Side Show Comics, POB 464, Herscher, Ill. 60941

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Correction Policy

There is so much truth that is offensive about the American legal system that I have no need or intention to lie or fabricate stories. Nevertheless, unintentional errors may occur. I am eager to make corrections quickly and candidly as soon as I discover and confirm them. This policy should not be mistaken for a policy of accommodating readers who are simply unhappy about a published article. If someone has been portrayed in a false light, I will endeavor to portray them accurately. Likewise, if someone has been falsely accused, I will investigate and make every effort to see that they are correctly accused.

Legal Advice

The ONLY legal advice this publication offers is this:

Any attempt to learn to cope with our modern judicial system must be tempered with the sure and certain knowledge that "law" is always a crapshoot. That is, *nothing*, not even brown paper bags filled with hundred dollar bills and handed to the judge, will absolutely guarantee your victory in a judicial trial or administrative hearing. The most you can hope for is to improve the *probability* that you may win. Therefore, do not depend on the articles or advertisements in this publication to illustrate anything more than the opinions or experiences of others trying to escape, survive, attack or even make sense of "the best judicial system in the world". But don't be discouraged. There's not another foolproof publication on law in the entire USA — except the Bible.

"AntiShyster" defined:

Black's Law Dictionary defines "shyster" as "one who carries on any business, especially a legal business, in a dishonest way. An unscrupulous practitioner who disgraces his profession by doing mean work, and resorts to sharp practice to do it." *Webster's Ninth New Collegiate Dictionary* defines "shyster" as "one who is professionally unscrupulous esp. in the practice of law or politics." For the purposes of this publication, a "shyster" is a dishonest attorney or politician, i.e., one who lies. An *"AntiShyster"*, therefore, is a person, an institution, or in this case, a news magazine that stands in sharp opposition to lies and to professional liars, especially in the arenas of law and politics.

Government by Default

by the American Institute for Economic Research

During the last quarter of 1995 and first quarter of 1996, we were treated to the spectacle of a budget battle between Congress and President Clinton which eventually caused the federal government to be funded on a month-by-month basis. As a result, portions of the federal government were shut down for several days. (Many of us hoped the entire federal government would collapse. Alas, no such luck.) This article exposes some of the reality, hypocrisy, and crocodile tears government shed when faced with the [gasp!] prospect of defaulting [Oh, Nooo!] on government debts.

I find this article intriguing because, so far as I can tell, it is mathematically impossible to repay the "national" (actually, "federal") debt. Nevertheless, we struggle manfully to "meet our obligations" even though we can't possibly succeed. I suspect the "national" debt leaves us three alternatives: 1) Slavery *as we try forever to pay a debt that can't possibly be paid; 2)* Inflation *so we can "technically" repay the debt, but with currency that is virtually worthless; and 3)* Repudiation *wherein we simply tell the Federal Reserve et al, that we have no intention of repaying a "debt" that was never based on substance (only credit) and as such constituted a scam that violates both the Constitution and God's law.*

I have no wish to be a slave nor can I see the benefit of hyper-inflation, therefore I suspect we should simply repudiate *the federal debt.*

Those who are frightened by the prospect of repudiating the "national" debt should consider this article's contention that our government has effectively repudiated its debts on a regular basis for several generations. Knowing we've secretly "repudiated" before, we may be encouraged to intelligently and publicly repudiate again.

During the threatened and partial government shut-downs of 1995 and early 1996, the media and the politicians mercilessly hyped the potentially "historic" defaults on U.S. Treasury securities, even though at most it might have caused a minuscule blip in the U.S. financial data. They remained characteristically silent, however, about related episodes of monetary misfeasance, as well as the checkered and vastly more significant history of the currency in which the debt is denominated. In real terms, the U.S. Government has continuously reneged on Treasury obligations since the advent of fiat currency. In this sense, it now routinely conducts government by default.

The repeated possibility of a default on payments to holders of some U.S. Treasury securities were greeted with almost universal dismay in some media circles. Prominent in many news reports was the view that such a default would mark a historic break with the Federal Government's unblemished record of honoring its financial obligations — and might precipitate any variety of dire consequences, from increased interest rates and higher budget deficits to widespread financial panic.

Not surprisingly, Wall Street generally responded otherwise. The entire episode was largely ignored by the financial markets. Yields on Treasury bills during the weeks of the threatened default were virtually unchanged and have remained so. Reportedly in the expectation that the Fed would actually *lower* its discount rate in December, 1995, the Dow Jones Industrials Average soared to successive new highs above the 5,000 mark. At least one Wall Street guru predicted that yields on long-term Government bonds would soon drop below 5 percent; meanwhile, several U.S. corporations announced their intention to float new issues of 100-year debentures. In short, despite the sideshow inside the Beltway, it was business-as-usual (and then some) in the financial world.

Of course, Wall Street sentiment has never been an accurate barometer of the actual financial condition of borrowers (as long as the commissions roll in), and there are many reasons to believe that the Federal Government is not necessarily a good credit risk, especially in the long term. However, the default issue is a political red herring. More significant, it is not the most important part of the story — the part that the popular media choose to ignore completely.

Longtime readers of American Institute for Economic Research publications know that for many decades we have chronicled the Federal Government's misfeasance in monetary affairs. Any reverses that the Government's current creditors might suffer as a result of, say, a temporary default on T-bills, pale in comparison with the losses to *investors* and *savers* over the decades from such monetary mischief. It may be useful to re-count briefly some highlights (if they can be called that) of that record.

It Wouldn't Be the First Time

Even were the Treasury to default, it would be far from the "first time" that the Federal Government has reneged on its financial obligations -- mainly by manipulating the currency in which its debts are denominated. For example, during the 19th century, at times of financial stress (usually wartime) the convertibility of the dollar into gold or other monetary metals was suspended or interrupted. As a consequence, the purchasing power of the currency invariably plummeted until convertibility was restored or, as in the 1870's, until the promise of resumption of specie payments for paper currency had been secured.

The passage of the Legal Tender Acts during the Civil War, which authorized the Government for the first time to issue non-interest bearing legal-tender notes in which its own debt could be repaid, and which remains the hallmark legislation for today's fiat currency, was perhaps the most egregious manipulation of U.S. currency to that point. It halved the "greenback's" purchasing power — as well as the real return to holders of public debt — in a matter of months.

In view of the dollar's subsequent decline, however, the most significant monetary event in the Nation's history was the Government's permanent abrogation of its domestic gold obligations in June 1933 — a massive default that virtually every politician today chooses to ignore. At the time, however, some saw it for what it was. When President Roosevelt asked then Oklahoma Senator Thomas P. Gore, a close student of monetary economics, his opinion of the matter, the Senator is reported to have replied: "Why, that's just plain stealing, isn't it, Mr. President?"

As the Roosevelt administration repudiated *domestic* monetary obligations, so the Nixon administration reneged on U.S. *international* monetary obligations by closing the "gold window" in 1971. With that action, the United States formally renounced any intention of honoring the obligations that for the previous two centuries had governed international financial settlements. In short, the U.S. Government has a "rich" tradition of stiffing its benefactors — creditors and trading partners alike.

The $11 Trillion Theft

That unhappy tradition extends far beyond past and present holders of U.S. Government securities. Virtually all savers and investors who held dollar-denominated assets have suffered enormous losses due to the decreased purchasing power of the dollar. According to our most recent calculations, the total of Americans' savings embezzled through the inflating process since 1939 amounts to almost $11 trillion in today's dollars.

In recent decades even those who invested in "riskless" long-term U.S. Government securities sometimes received, in real terms, a *negative* after-tax return on their investments. Such was the situation with a 32-year U.S. Government bond issued in February 1958, midway in the 1957-58 business contraction. That bond yielded nominal interest of 3.5 percent and matured in February 1990. But during the lifetime of the bond the dollar lost more than three-fourths of its purchasing power. At the marginal tax rate faced by individuals with taxable incomes of $75,000 in 1990 dollars, the total of all interest payments and return of principal to the holder of $10,000 of these bonds was roughly $6,600 in 1958 dollars, for an internal rate of return (IRR) of -2.1 percent. Taxes and inflation absorbed *all* interest income and about one-third of the principal. In effect, such an "investor" *paid the Government for the privilege of lending it money.* It is not without reason that the late Dr. Franz Pick termed long-term Government bonds "Certificates of Guaranteed Confiscation."

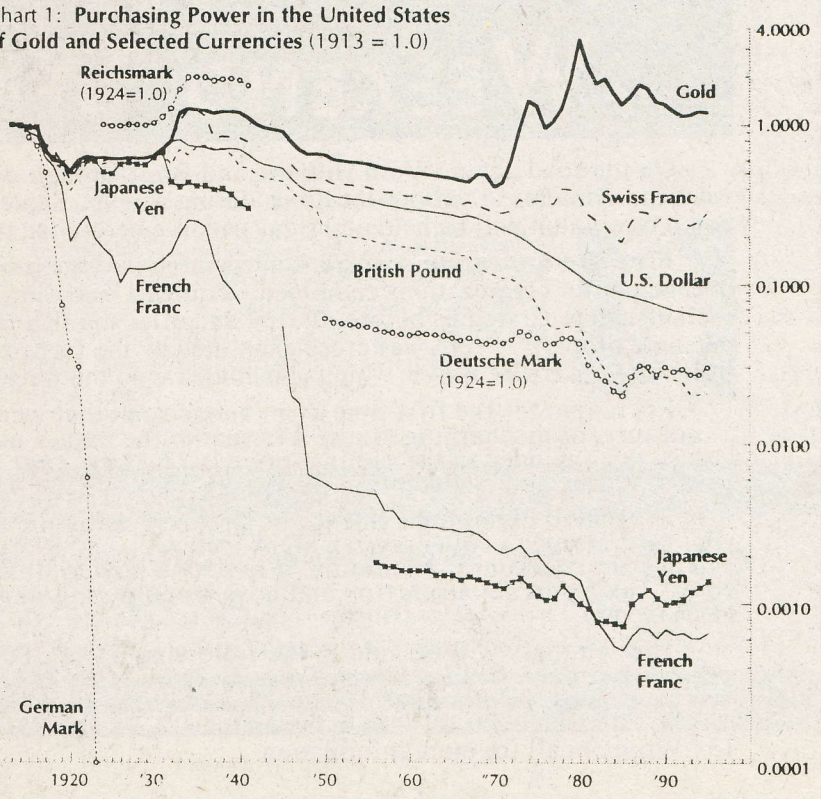
In any event, it seems clear that over the long run it is mainly monetary events that have generated "credit problems" for the U.S. Government. Interest rates usually have spiked upward at times when the dollar has been most vulnerable to losses in purchasing power *(i.e.,* when its redeemability into monetary commodities has been suspended) - and moderated with the return to convertibility. Since 1933, there has been no restoration of convertibility, and interest rates have remained far above their historical levels.

Why Buy Them At All?

If securities denominated in a genuinely sound monetary unit were readily available anywhere in the world today, few investors probably would be interested in purchasing the debt of any current government no matter what the interest rate offered. As shown in the Chart, every major currency in the world today is worth far less than when it first was issued, and even the strongest national currencies now are worth only a small fraction of their former value. To be fair, in this contest of monetary debauchery the U.S. currency over the long run has fared better than some, worse than others. In relation to its purchasing power in 1913, today's dollar is worth between 6 and 7 cents.

Given the seemingly inexorable slide of all fiat [debt-based, paper & electronic] currencies toward worthlessness, and the fact that the only restraint on monetary excess today is the relative value of other fiat currencies, perhaps the more intriguing question is: Why would anyone buy long-

Chart 1: **Purchasing Power in the United States of Gold and Selected Currencies** (1913 = 1.0)



term public securities denominated in *any* fiat currency?

In practice, not many individuals do. Out of a total of $4.9 trillion outstanding in U.S. interest-bearing public debt securities, only about $344 billion is held by individuals, $183 billion of which is in U.S. Savings bonds. Less than $700 billion of the total debt has a maturity greater than 5 years.

In view of the historically dismal real returns on such investments, the oft-voiced complaint in Marxist circles that "the rich" are reaping a windfall in Government interest at taxpayer expense seems doubly naive. To the extent that private entities have been willing to buy its debt, the windfall has been the Government's rather than the investors'. A more accurate view would be that if "the rich" held such investments in great quantities, they soon would no longer be rich — which is why they decline to do so.

The institutions that hold the bulk of such debt face constraints and considerations other than investment merit. They generally are more concerned with liquidity and often are mandated to hold Treasury securities in their reserves. In any event, banks, insurance and annuity companies, money market funds, *et al,* are not overly concerned about the real value of their assets, because their liabilities also are denominated in dollars.

It should come as no surprise that the Government's major creditors now are largely limited to public or heavily regulated entities, and that individuals eschew public debt issues. The private markets well know what the politicians and the media would conceal: that, in real terms, for more than half a century the record of Government finance has been one of continuous default.

Who Comes First
When the Money Gets Short?

Congress ultimately controls the purse strings of the Federal Government via the debt ceiling. The President is expected to live within the financial means so provided and, when the money gets short, to influence (via the veto and other executive powers) how available funds will be spent. Whatever the rhetoric, in practice it is precisely during such times of financial strain that any Administration reveals its genuine priorities — as the Clinton administration seems to have done in this latest budget impasse.

In raising the possibility of a default, the President in effect announced that when the money gets short those who lend money to the Government stand last in line — behind the mohair and sugar subsidies, behind the public television and radio subsidies, behind the subsidies to art and culture, behind welfare and entitlement recipients, behind double-dipping civil service retirees and almost anyone else now on the receiving end of Federal outlays.

When a private firm's management juggles the books or chooses to pay extravagant payrolls instead of its creditors, it quickly finds itself shut out of the credit markets (and perhaps shut into prison). Today the senior "managers" of the Federal Government may believe that the dollar's stamina against most other currencies has largely immunized them against that possibility. Presumably, however, even the most forgiving lenders will take only so much abuse; if the markets were suddenly to lose confidence in the dollar, the U.S. Government's ability to borrow even from its current creditors could vanish just as quickly as it has in other countries that reneged on their debts — or paid them in near-worthless currency.

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The Silver Bullet Won't Let You Down

by Dr. John Rutledge

Dr. Rutledge is Chairman of Rutledge & Co., a private merchant banking firm in Greenwich, Connecticut, and a regular columnist for Forbes magazine. His article reinforces an opinion that I've begun to embrace: the Federal Reserve is not as powerful as many patriots imagine. Admittedly, the Fed wields seemingly god-like powers within the U.S.A., but in the larger international context, its power is nearly matched by its vulnerability.

Thanks to modern technology, debt-based electronic "money" can be moved around the globe in fractions of a second without any meaningful control or even awareness of government. As a result, capital "panics" are possible if large numbers of individual investors simultaneously move massive amounts of electronic money from one nation to another having a more attractive investment opportunity. These electronic stampedes could theoretically be so sudden, unexpected, and massive that they might conceivably topple banks, industries, or even nations much like our own stock market collapsed in 1929.

Of course, if we had a gold-based monetary system, these "money stampedes" would not be possible since the physical properties of gold prevent anything but the slowest and most secure forms of transport. For example, although you can move electronic "money" (debt-based credit) from Helsinki to Hong Kong at the speed of light, it would take several days and much intervention from central banks and governments to move a comparable amount of gold between the two locations. In fact, I'd bet the consequences of combining a substanceless "money" (electronic credits) with private computers and the international telephone system has scared the international bankers, Federal Reserve, and most governments so badly that they may be reconsidering the unthinkable: a return to a gold standard.

In any case, Dr. Rutledge's article gives an insight into the technology of electronic money, modern capital mobility, and why every government must therefore lower taxes (and perhaps even return to the gold standard) to attract more investment capital into their country and prevent the flight of capital already there. Because money is moving from the monopolistic control of a few international bankers and the Federal Reserve into the free market, government may not only be forced to cut taxes, but to actually downsize in order for its people to survive the growing competition for capital.

'Tis an ill wind, hmmm?

In every decade there is a silver bullet idea, the one that makes you look like a genius even if you don't do anything else right. Global competition -- not for product markets but for *capital* is the silver bullet idea for the 1990's and beyond.

In the 1970s, the silver bullet was inflation and rising tax rates, which artificially subsidized the return on the public's holdings of property and other tangible assets, relative to the return on securities. When people moved to capture these higher returns by liquidating securities to buy more property, stock and bond prices collapsed. But the ensuing real estate inflation made property speculators into millionaires.

In the 1980s, the silver bullet idea was disinflation, which wiped out the return on holding real assets. This reversal of the 1980's trends caught investors by surprise, forcing them to shift seven trillion dollars out of tangible assets and into financial assets. Private investors reduced real asset holdings from 48% of their wealth in 1981 to only 32% today. This produced commodity and property deflation, and soaring bond prices, which sharply reduced the cost of capital for businesses and created a quantum jump in the value of companies in the stock market. Those on the right side of this shift -- stock and bond market investors and managers who bought companies through leveraged buyouts in the past 15 years -- made barrelfuls of money. Those on the wrong side, stubborn believers that the inflationary 1970s would return, were wiped out.

Capital Mobility

Capital mobility and competition for capital are the silver bullet ideas for the future. Managing assets and competing for capital will be the critical abilities required of managers and investors who want to be successful. And capital-friendly policies are the secret of making economies grow.

Capitalism is sweeping the world like a forest fire in the wake of the collapse of the Soviet empire, the opening of China, privatizations in Asia and Latin America, and the breakout of peace in South Africa, Northern Ireland and the Middle East. These changes have effectively rezoned large portions of the globe from S1 (socialist) or T1 (too dangerous for investors) to C1 (prime commercial) that are now suitable for development. This has dramatically expanded the menu of opportunities available to international investors by improving risk-adjusted returns, and has created massive new demands for capital.

At the same time, irreversible changes have taken place on the supply side of world capital markets. Cellular phones, computer modems and private satellite networks have destroyed government communications monopolies. This means that today, money moves around the world in an invisible and almost costless way at the slightest provocation.

Capital Shortage

The resulting game of financial musical chairs, where more and more capital users are competing for increasingly scarce capital resources, has created a massive worldwide capital shortage that has diverted enormous sums from traditional markets to the fast growing emerging economies. This has reduced economic growth and investment in the U.S. and Western Europe, and prolonged the deflation and recession in Japan.

The capital shortage has also had positive effects for investors, by forever changing the rules of international investing. Governments in Argentina, India and other developing countries have learned that they must provide their workers with modern tools by attracting foreign capital if they hope to deliver the increased standards of living their people are demanding. That's why so many countries are privatizing state-owned companies, lowering taxes on capital and simplifying regulations for foreign investors, like the investor protection provisions in NAFTA.

Each time one country sweetens their rules, of course, investors are drawn away from some other country that needs the capital to grow as well. This has triggered a virtual circle of liberalizing policy changes that is very positive for capital owners around the world. The irony is that the U.S., which created the conditions under which the new democracies have a chance to flourish, is losing the financial battle for international market share of the world's capital stock. *The worlds' most expensive tax environment on income from capital, combined with a hostile political and regulatory environment, are signals which tell capital owners to pick up their marbles and leave.*

Competing for Capital

Competing for *capital*, not competing for *market*, is the name of the new game in the world economy. Unfortunately, the Clinton administration is still fighting the last war. They are aware that making America competitive in the new world economy is our key to success. But they still think we are competing with Germany and Japan to sell cars and microchips. The real competitive threat to the American standard of living in the next decade is losing the competitive battle for capital with India, China and Brazil, where high returns on capital are attracting enormous amounts of investment funds.

Competing for capital is not done with tariffs, quotas and domestic content legislation, but by creating an environment attractive to capital owners. The key to this is low tax rates on capital income and capital gains, and free movement of capital. Governments must realize they have lost their ability to tax and control capital resources. Mobile capital subjects governments to strict discipline. They can either sit quietly and observe capital at work creating wealth within their borders, or they can impose taxes on capital and drive it away, but they cannot do both at the same time.

Raising taxes on capital will simply drive it offshore, reducing the productivity and incomes of the people left behind with empty tool boxes. This applies to state governments as well as national ones, as illustrated by the steady migration of businesses out of high-tax states.

Zero Taxes on Capital

Capital mobility turns the tax fairness debate on its head, as well. Republican plans to cut the capital gains rate would be a step in the right direction. But most capital in the U.S. is tied up in small businesses, whose owners report their gains as ordinary income. This means that President Clinton's 1993 increase in income tax rates reduced the after-tax return on capital by more than 20 percent, leading many investors to shift their interest overseas. In contrast, the surest way to lower the effective tax rate on income from capital in the U.S. is to reduce the maximum income tax rate. This is exactly what the flat tax proposals of Dick Armey, Steve Forbes, and other Republicans would accomplish.

The way to help working families is to provide plenty of high productivity, high paying jobs by attracting tons of capital to the US. In the *Financial Analysts' Journal,* Jack Treynor presented an elegant mathematical proof that the optimal tax structure for a government trying to maximize the after-tax real incomes of workers in today's world of completely mobile capital is to impose zero taxes on capital. That means zero corporate income taxes and zero capital gains rates. Treynor's policy would attract more capital, make workers more productive, and increase their after-tax paychecks.

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Editor's speculation: The financial free market and the electronic transfer of capital may cause serious restructuring of the governments around the world. Forced to compete for capital, governments may become more friendly to productive individuals and companies and less friendly toward those entities that might be classified as nonproductive or "dependent". All of which sounds pretty good.

However, consider what might happen in an extreme case of capital competition: financial panic.

These capital "panics" might not be occasional events -- you could theoretically have hundreds of instantaneous movements in a single day. Suppose Hong Kong announced at 8:00 AM that they had installed a new, more competitive financial environment that would allow currency traders to earn an extra 0.015% on their investments. Who cares, right? Fifteen thousandths of a percent? It's a triviality.

Wrong. To a man or conglomerate representing billions of dollars, 0.015% is

serious money. So with a couple of keystrokes on his computer, he'll move his investment in United States Federal Reserve Notes into Hong Kong dollars. Which means the relative worth of F.R.N.'s will fall, and even little guys like you and me will have to move into Hong Kong dollars to avoid suffering a loss.

To stem the panic, the U.S. government might announce at 9:00 AM on the very same day that they have cut taxes to a degree necessary to not only match the 0.015% advantage for Hong Kong dollars, but actually gain an additional 0.005% advantage for those who keep their savings/investments in F.R.N.'s in the U.S.

Unfortunately, with the F.R.N. suddenly more attractive (in order to stem the flow of capital to Hong Kong), the F.R.N. is also suddenly more attractive than the German Mark, which inspires a massive swing of capital from Germany to the U.S. However, by 9:25 AM, the Germans respond by making their financial environment equal to the U.S. -- but this disrupts the previous parity between German Marks and English Pounds, which forces England to . . . .

Begin to get the idea? This electronic currency can bring governments to their knees, cripple nations instantaneously, and potentially precipitate a murderous world-wide depression.

Thanks to the modern miracle of debt-based money and electronic transfer of "credits", we may be approaching a world financial environment similar to a roomful of 50 gunfighters all armed with hair-trigger automatics. If just one idiot makes a false move, an instantaneous firefight will break out and probably kill or wound almost everyone in the room. It's a kind of financial "Mutually Assured Destruction".

They only reliable escape from this financial "MAD-ness" may be the restoration of currencies based on real assets like gold and silver rather than the debt-based currency we currently "enjoy".

It appears that all the necessary technical ingredients are present to allow an extensive, even worldwide monetary collapse. Just because those ingredients are present does not mean such a collapse will take place. Still, just as gold-based currency may be the only salvation for a nation, it may likewise be the only salvation for you or your family. It might not be a bad idea to start investing your savings in gold coins, gold stocks, or gold-backed foreign currencies like Swiss Francs.

Oh, What A Tangled Web We Weave . . . .

by Alfred Adask

Here's a clipping for the April 10, 1996 *Dallas Morning News*:

"Justice touts judicial freedom

Washington Chief Justice William Rehnquist expressed concern about judicial independence Tuesday in the wake of a storm of criticism of a federal judge who threw out evidence in a New York City drug case. Justice Rehnquist praised the American tradition of not impeaching and removing federal judges for unpopular rulings. The idea of an independent federal judiciary "is one of the crown jewels of our system of government today," the nation's top-ranking judge said in a speech to an American University audience. The chief justice's remarks came on the heels of criticism leveled against U.S. District Judge Harold Baer Jr. in New York City for throwing out evidence in a drug case. Before the judge reversed his ruling last week, White House spokesman Mike McCurry indicated that President Clinton might ask Judge Baer to quit his life-tenure job, and certain GOP presidential nominee Bob Dole also sharply criticized Judge Baer."

Judging from this brief clipping, Judge Baer is at least an incompetent but more likely an arrogant crook who took a bribe to fix a drug case. No matter, says Supreme Court Justice Rehnquist -- the important thing is that judges retain that "crown jewel" of *independence*. That is, America is somehow vastly improved so long as judges can operate beyond the reach and influence of the government and the people, but even above the law.

That's crazy, and the fact that the Chief Justice of the Supreme Court thinks it's OK is just one more proof that our courts have moved beyond mere lawlessness into outright madness.

Why immunity?

Perhaps the purest form of judicial "independence" is judicial *immunity*. That is, no matter what happens, you can't sue a judge.

But if America truly enjoys "the best legal system in the world", why would anyone (especially judges) need "immunity" from being sued or prosecuted for their alleged negligent or criminal acts? After all, knowing that justice will always prevail, why should anyone (especially legal eagles like our judges) fear the system? Even if judges were sometimes falsely accused, given their legal training and expertise, they should be able to effectively defend themselves, quickly defeat, and counter-sue any errant plaintiff in "the best legal system in the world".

However, instead of defending themselves in court (and potentially winning substantial counter-suits), our judges hide from litigation behind the cloak of "judicial immunity". Apparently, the "best legal system" is great for all you donkeys out there in TV-land, but not quite good enough for the "honorable" judges who actually run (and understand) the system. (George Orwell described the phenomenon in Animal Farm: "All animals are created equal, but some animals are 'more equal'.") Although there may be some practical reasons to shield judges from the wrath of every aggrieved (losing) litigant, it's impossible to examine the concept of judicial immunity without concluding that judges (who should understand this "best system") regard our courts as capricious, biased, and even terroristic. Whatever practical reasons exist to support the institution of judicial immunity, no one can argue that immunity inspires public confidence in the judicial system or respect for our judges.

The concept of judicial immunity is suspect for two reasons:

First, the Constitution offers no foundation for judicial immunity. Instead, the doctrine of separation of powers (that each of the three branches of government should be separate) and the precept that the nation is best served by an "independent" judiciary have been interpreted *by the courts* to mean that judges must not only be "independent" from the Executive and Legislative branches of government, but also "independent" (immune) from the People themselves. I don't believe for one minute that the Founders ever intended to establish a class of citizens — inside government or out -- that were so "more equal" and independent that they could freely commit crimes from the bench upon the sovereign people.

Second, the foundation for judicial immunity is laid in the ancient peat moss of common law and lame arguments about "*inherent* powers of the courts". That is, the courts claim to have certain "natural" powers, even if those powers are not spelled out in the Constitution or law. However, the 10th Amendment declares, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This suggests that since there are no delegated "immunities" for the federal courts, the common law and "inherent powers" arguments are absurd at the federal level and (unless enshrined in the State constitutions) at least suspect and probably void in State courts as well.

The problem is that any litigation concerning judicial immunity is decided by the judges themselves. The probability that judges will provide an "impartial tribunal"

to decide if they themselves should be deprived of their "right to steal" (judicial immunity) is roughly zero.

Given that the Judicial branch of government is unlikely to rule against its own interests, and the Executive branch is prevented by the separation of powers doctrine from ruling against judicial immunity — the People's only apparent hope to place the judges on an equal footing with the People is through political activism of passing constitutional amendments and/or state and federal statutes which restrict judicial immunity and subject judges to the same standards as common people in "the best legal system in the world". Once judges are as exposed to the same "inherent" injustices in our legal system as common people, we can reasonably expect a huge reduction in the frequency and magnitude of the injustice and crimes committed from the bench.

The consequences of judicial immunity are many, gross, and increasingly bizarre. For example, when Dawn Stoll's ex-husband decided to regain custody of their daughter (which had been awarded to the mother in their divorce), a legal squabble broke out. Dawn implies that her ex-husband was "connected" to the local power structure and used that relationship to unfairly win custody of their daughter. Maybe that's true, maybe not. But at the time the custody battle broke out, Dawn was living with another man (Stehen Ames, Jr.) who also had lawful custody of *his* son by a previous marriage. Mr. Ames tried to help Dawn maintain custody of her daughter. However, by the time the custody battle was over, it's not only true that Dawn Stoll lost her daughter -- *but her boyfriend also lost his son.* To say this case smells is clearly an understatement.

Having lost their children in what they alleged was a government conspiracy, Dawn Stoll and Stephen Ames, Jr. filed a Title 42 Section 1983 suit against a number of the people who allegedly conspired to unlawfully take their children. Title 42, Sect. 1983 reads:

"*Every person* who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other Person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress. . . ." [emph. add.]

What follows is the U.S. District Judge James F. McClure, Jr.'s dismissal *with prejudice* (meaning it can't be amended and re-filed) of Dawn Stoll's and Stephen Ames' Title 42 civil right suit. As you read, note how the courts -- in order to sustain the unconstitutional immunity for the judge sued in this case, must therefore also "extend" a "quasi-judicial" immunity to the prosecutors, the court clerk, the police, child protective services caseworkers and supervisors, lawyers who work for the government and even lawyers who *don't* work for the government. In short, given that a judge was involved, therefore *every other person* allegedly involved in conspiring to steal two children must not merely be turned loose, but can't even be tried.

But Title 42, sect. 1983 says "*Every person* . . . shall be liable . . . ." Are we to believe that when Congress passed that law, they meant "every person (except judges, court clerks, prosecutors, cops, government administrators & caseworkers, and lawyers both within and without the government)"? If all these people are immune, then *who is left* to be sued for violating our civil rights? The Mexican gardener who mows the lawn around the courthouse? The courthouse janitor?

As you read, watch the twisted logic, the "extensions" of judicial and quasi-judicial immunity to almost "every person" who's ever even seen a judge. And it's all being done to sustain the unconstitutional , ungodly, self-ordained immunity which Supreme Court Justice Rehnquist regards as one of the "crown jewels" of our government.

I don't know that Dawn Stoll and Stephen Ames Jr. are good parents. Maybe the kids are better off somewhere else, maybe not. Maybe government officials conspired to violate their civil rights, maybe not. But Stoll and Ames deserved their day in court. You can't just take children from parents and not even give the aggrieved parents a public hearing. At least, you can't if you want to continue to act surprised when judges get shot.

This court order strikes me as a good example of the kind of insanely arrogant injustice that is increasingly common in "the best legal system in the world". It is likewise, a good illustration of the old cliche', "Oh, what a tangled web we weave when first we practice to deceive."

The case was heard "In The United States District Court for the Middle District of Pennslyvania", with the caption "DAWN MARIE STOLL and STEPHEN KIMBOL AMES, JR., Plaintiffs, vs. NORTHUMBERLAND COUNTY, PRESIDENT JUDGE SAMUEL C. RANCK, ET AL., Defendants (Case Number: 4: CV-95-1052) and included the following Order dated October 20, 1995 from James F. McClure, Jr., United States District Judge:

". . . . For the reasons which follow, we will enter an order granting all pending motions and dismissing all plaintiffs' federal claims with prejudice and without leave to further amend. Plaintiffs' state law claims are dismissed without prejudice.

Rule 12(b)(6) motion

In deciding defendants' motion, we are "required to accept as true all allegations in the complaint and all reasonable inferences that can be drawn from them after construing them in the light most favorable to the non-movant." *Jordan v. Fox, Rothschild, O'Brien & Frankel, Inc.*, 20 F.3d 1250, 1261 (3d Cir. 1994). "In determining whether a claim should be dismissed under Rule 12(b)(6)," we look "only to the facts alleged in the complaint and its attachments without reference to other parties of the record." Id. Dismissal is not appropriate unless "it clearly appears that no relief can be granted under any set of facts that could be proved consistent with the plaintiff's allegations." Id.

. . . . "[A]cts performed in 'excess' of judicial authority do not deprive the judge of immunity." *Davis v. Beko*, No. 92-15483, slip op. at 2 (9th Cir. March 19, 1993), citing *Schucker, supra*, 846 F.2d at 1204. If these criteria are met, the judge is entitled to immunity regardless of his or her intent in carrying out the acts alleged. See: *O'Neil supra*, 642 F.2d 367, 368 n. 3 (9th Cir. 1981) and Bertucci v. Brown 663 F.Supp. 447, 452 (E.D.N.Y. 1987).

All claims asserted against Judges Ranck and Fuedale arise out of judicial acts. Plaintiff Stoll alleges that Judge Ranck "signed an order giving Richard Medellin Primary Physical Custody of Shaleena . . . [and] unlawfully imprisoned Stoll and unlawfully participated in the taking of Plaintiffs' children away from a loving and caring home."

Similar allegations are made against Judge Fuedale. Plaintiff Stoll alleges that he "was involved in the Political and Religious taking of Shaleena and Michael. Fuedale signed the order giving Richard Medellin Legal and Physical Custody of Shaleena and an Order giving Children and Youth Services Temporary Legal and Physical Custody of Michael without Stoll's or Ames Jr.'s knowing."

Here the facts alleged strongly *sug-*

gest that both judges were acting within the bounds of judicial authority, *despite* allegations that they were acting in their "individual capacity" and lacked authority to perform the challenged acts. The acts complained of relate exclusively to the judges' disposition of legal matters before them pertaining to the dependency\ delinquency actions allegedly filed with respect to plaintiffs' minor children. Ruling on such matters is clearly a judicial act.

All claims asserted against Judges Ranck and Fuedale are, therefore, subject to dismissal on grounds of judicial immunity as well as for the other reasons discussed in this memorandum.

Immunity of caseworkers and judicial staff

Judicial or quasi-judicial immunity extends as well to members of the court and county staff for claims arising out of their performance of quasi-judicial or prosecutorial functions. *Butz v. Economou*, 438 U.S. 478, 513-14 (1978) (immunity defense extended to individuals whose powers and purpose are functionally *comparable* to those of a judge) . The claims asserted against the court reporter are barred on this ground. As a member of the court's staff, she is entitled to quasi-judicial immunity from plaintiffs' claims that she did not properly transcribe the dependency /custody proceedings in violation of their constitutional rights.

Immunity of Deputy Sheriff Fessler and County Prison staff

The claims asserted against the Northumberland County Deputy Sheriff Fessler are, in part, also subject to dismissal on grounds of quasi-judicial immunity. Law enforcement individuals sued for enforcing a court order are entitled to absolute, quasi-judicial immunity. In *Valdez v City and County of Denver*, 878 F.2d 1285, 1287-90 (10th Cir. 1989), the Tenth Circuit held that police officers enforcing a state court contempt order were absolutely immune from damages for the contemnor's claims of false arrest and false imprisonment. The court stated that it was unwilling to put officers charged with the duty of executing a court order in the position of having to choose between disregarding the order and facing possible sanctions for doing so and carrying out their assigned duty upon risk of being haled into court and held responsible for its enforcement. The Tenth Circuit expressed concern that if not granted the same immunity as the judicial officer who issued the contempt order law enforcement officers may become scapegoats for unconstitutional court orders solely because they are the individuals connected with the matter who are subject to a civil action. Denying the officers absolute immunity for enforcement of the order would, in the court's words, make them a "lightning rod for harassing litigation aimed at judicial orders." *Valdez, supra*, 878 F.2d at 1289. Extension of quasi-judicial immunity to the enforcing officers was justified, the Tenth Circuit held, because:

[E]nforcing a court order or judgment is intrinsically associated with a judicial proceeding." Id. at 1288. See also: *Turney v. O'Toole*, 898 F.2d 1470, 1474 (10th Cir. 1990) (same).

The Tenth Circuit is not alone in adhering to the view that law enforcement officers executing a facially valid court order are protected by absolute quasi-judicial immunity. See, e.g., *Roland v. E.W. Phillips*, 19 F.3d 552, 555-57 (11th Cir. 1994); *Coverdell v. Dept. of Social & Health Servs.*, 834 F.2d 758, 764-65 (9th Cir. 1987) (child protective services worker removed newborn infant from hospital and placed her in temporary shelter pursuant to court order); *Henry v. Farmer City State Bank*, 808 F.2d 1228, 1238 (7th Cir. 1986) (Sheriff who participated in enforcing a judgment by confession held entitled to absolute, quasi-judicial immunity); *Tymiak v Omodt*, 676 F.2d 306, 308 (8th Cir. 1982) (*per curiam*) (sheriff evicted plaintiff from home in compliance with court order); and *Lockhart v. Hoenstine*, 411 F.2d 455, 460 (3d Cir.) ("[A]ny public official acting pursuant to court directive is also immune from suit."), cert. denied, 396 U.S. 941 (1969).

Based on the Tenth Circuit's reasoning in *Valdez, supra*, 878 F.2d at 1288-90, and the widespread acceptance of quasi-judicial immunity in such cases, we are convinced that the Third Circuit would follow the same rationale.

This quasi-judicial immunity does not extend, however, to improper acts committed in the course of enforcing the order. The enforcing officers are not immune from allegations that they acted with excessive force or denied an individual taken into custody needed medical care. *Martin v. Board of County Commissioners of the County of Pueblo* 909 F.2d 402, 404-05 (10th Cir. 1990).

Thus, all claims asserted by plaintiffs which attack the mere fact of enforcement will be dismissed on grounds of quasi-judicial immunity as well as for the other reasons discussed in this memorandum.

Quasi-prosecutorial immunity

Imbler v. Pachtman, 424 U.S. 409 (1976) extended the absolute immunity granted to judges for actions performed in their judicial capacity, see *Pierson v. Ray*, 386 U.S. 547 (1967), to state prosecuting attorneys who act within the scope of their duties in initiating a prosecution and presenting the state's case. *Imbler*, 424 U.S. at 431. *Imbler* was extended by the Court in *Butz*, to encompass officials acting in a prosecutorial capacity.

State social service agencies acting in a prosecutorial capacity are immune from section 1983 claims challenging their initiation and prosecution of child dependency, child neglect, child abuse, and juvenile delinquency proceedings. *Meyers v. Contra Costa County Dept. of Social Services* 812 F. 2d 1154, 1156-57 (9th Cir.), *cert. Denied,* 484 U.S. 829 (1987); *Kurzawa v. Mueller*, 732 F.2d 1456, 1458 (6th Cir. 1984); *Orrs V. Children and Youth Services Agency*, 1995 WL 564199 (E.D.Pa. Sept. 22, 1995); *Dunkel v. Dunkel*, 1994 WL 24296 at * 2 (E.D.Pa. Jan. 13, 1994); and *Faulkner v. Reeves*, 1992 WL 96286 (E.D.Pa. 1992). Compare: *Milispaugh v. County Dep't of*

Public Welfare, 937 F.2d 1172 (7th Cir.), *cert. denied*, 112 S.Ct. 638 (1991) (absolute immunity does not attach to removal of a child from a home on an emergency basis prior to the filing of a petition for custody and prior to any judicial hearing.); *Hodorowski v. Ray*, 844 F.2d 1210 (5th Cir. 1988); *Robinson v. Via*, 821 F.2d 913, 918-919 (2d Cir. 1987).

The CYS staffers sued by plaintiffs are absolutely immune as well from any constitutional claims arising out of the manner in which they performed prosecutorial functions of their job, i.e. initiating and pursuing dependency\custody proceedings involving Michael and Shaleena.

Such immunity extends as well to Line Mountain school personnel to the extent that the claims against them stem from allegations that they reported or initiated an investigation into the treatment of Shaleena and Michael.

Respondeat superior claims

All claims based on claims of respondeat superior are also subject to dismissal on that ground. Claims based solely on an individual's or an entity's supervisory authority are not viable under section 1983. A defendant cannot be held liable under section 1983 unless he caused or participated in an alleged violation of constitutional rights. Section 1983 claims cannot be based on respondeat superior. *Rizzo v. Goode*, 423 U.S. 362, 377 (1976) and *Chinchello v Fenton*, 805 F.2d 126, 133 (3d Cir. 1986). The plaintiff must establish a "causal connection, or an affirmative link, between the misconduct complained of and the official sued." *Campbell v. Lane*, 1990 WL 171598 (E.D. Ill. Oct. 25, 1990), citing *Wolf-Lillie v. Sonquist*, 699 F.2d 864, 869 (7th Cir. 1983). See also: *Pembaur v. Cincinnati*, 475 U.S. 469 (1986) and *Oklahoma City v. Tuttle*, 471 U.S. 808, 823-24 (1985); *City of Canton v. Harris*, 489 U.S. 378, (1989); *Monell v. New York City Dept. of Social Services*, 436 U.S. 658 (1978).

Although certain violations are alleged to have been carried out consistent with county policy and custom or certain wrongs committed because of a failure to properly train county employees, others are attributed not to any official act, policy, or custom, but rather to actions of individual county employees. This is not a valid basis for a section 1983 claim against the county or against any individual acting only in a supervisory capacity. *Orrs*, 1995 WL 564199 at *2. See also: *Johnson*, 1993 WL 245280 at *6 (Lancaster County CYS found to be "an arm of Lancaster County and therefore" subject to liability under section 1983 only if the *Monell* criteria were met).

All section 1983 claims which plaintiffs base on the existence of supervisory authority over other individuals are subject to dismissal on that ground.

Allegations against non-state actors

To recover under section 1983, plaintiffs must prove that a person acting under color of state law deprived them of rights, privileges, or immunities guaranteed by the Constitution or the laws of the United States. *Pokrandt V. Shields*, 773 F.Supp. 758, 765 (E.D.Pa. 1991). Not all of the defendants are alleged to be state actors. Claims are asserted against Richard Medellin, Shaleena's father, and his attorney Herschel Lock, Esq., and against Stoll's attorney, James Rosini, based on their participation in the custody proceedings. None of these defendants is a state actor, and none of their actions renders them such, *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982) (Civil rights claims can be brought against private individuals only if they conspired with state actors or if their actions may be "fairly attributable to the State."). Participation in state court proceedings does not render a private individual a state actor for section 1983 purposes. See: *Torres v. First State Bank of Sierra County*, 588 F.2d 1322 (10th Cir. 1978); *Lucia Bros. & Co. v. Allen*, 672 F.2d 347, 354 (3d Cir. 1982); and *Henderson v. Fisher*, 631 F.2d 1115, 1119 (3d Cir. 1980).

Rosini is not rendered a state actor solely because he was *appointed* by the state to represent plaintiff Stoll in the underlying proceedings. The Supreme Court has held that a public defender does not act under color of state law when representing an indigent defendant in a state criminal proceeding. *Polk County v. Dodson*, 454 U.S. 312 (1981). That doctrine extends to private attorneys acting as court-appointed counsel. Court-appointment does not render them state actors for section 1983 purposes, since they are acting on behalf of their client — a private citizen. *Malachowski V. City of Keene*, 787 F.2d 704, 710 (1st Cir. 1986). Section 1983 liability attaches to court-appointed counsel only if they are alleged to have conspired with state actors to deprive the plaintiff of constitutionally protected rights. *Dennis v. Sparks*, 449 U.S. 24, 27-28 (1980) and *Tower v. Glover*, 467 U.S. 914, 919-20 (1984). There are no allegations to that effect here.

The same is *probably* true of defendant Leslie Brydon, Esq. — *identified* in the amended complaint as "Special Conflicts Counseler (sic) . . . appointed by Ranck to represent Shaleena and Michael," *although*

we cannot be entirely certain based on plaintiffs' allegations. Although plaintiff Stoll's allegation that Brydon "arrested" her during the custody hearing . . . "commanded the Deputy Sheriffs to handcuff her" and "throw Ames Jr., Ames Sr. and Evans out of the Courtroom," *suggests* that Brydon *was a state actor*, her description of Brydon as conflicts counsel appointed to represent the children *suggests* the opposite. Since other grounds exist for dismissal of the claims asserted against Brydon, we need not resolve this discrepancy.

Plaintiffs do allege that defendants Medellin and Lock acted "in concert" with county employees to bring about the custody/ dependency proceedings — but that assertion is not supported by averments of fact. All that is alleged is that Medellin reported various matters regarding the care and treatment of the children to the authorities and threatened to institute proceedings to have custody taken away from Stoll. Such allegations do not show that he conspired with state actors to violate plaintiffs' constitutional rights.

Leave to further amend

Although it is customary to grant *pro se* plaintiffs leave to amend to remedy pleading defects, *we see nothing to be gained* by allowing plaintiffs to further amend the pleadings. They have already amended the complaint once. Further, most, if not all, of the deficiencies discussed above cannot be remedied by new or additional factual allegations. For that reason, we decline to grant leave to further amend.

Remaining state law claims

Since all federally based claims have been dismissed, and this case has not gone beyond the pleading stage, we will dismiss plaintiffs' remaining state tort claim without prejudice. 28 U.S.C. § 1367(c)(3). Plaintiffs are referred to 42 Pa. Cons. Stat. Ann. § 5103(b) and 28 U.S.C. § 1367(d) (limitations period tolled for 30 days unless state law provides for a longer tolling period).

James F. McClure, Jr.
United States District Judge

Redress of grievances?

Somebody took two children from two separate parents, and the courts won't give the aggrieved parents the right to a day in court. In order to protect their precious judicial immunity, the courts won't even pay these people the courtesy of listening to their side of the case. Should we be surprised if, ultimately, one or both of the parents resorts to violence? Should we be surprised that the number of threats and acts of violence against judges is increasing?

No one, finally is immune. You pay in court just like everyone else, or you pay on the street as a victim of violence, or pay in the next world when St. Peter asks, "Just what th' hey did you think you were doing down there?"

Hypocrites, hypocrites all

But Supreme Court Rehnquist and all the other "honorable" judges continue to insist they need absolute immunity and independence for the "best legal system" to function properly. The object of course, is to ensure that judge's verdicts shall never be tainted by the threat of administrative action by the Executive branch of government, or by legislative action by the Legislative branch -- or by lawsuit by We the People. Presumably, this extraordinary independence and immunity are necessary -- even at the risk of some judicial crimes -- in order to ensure the maximum "objectivity" possible when a judge hears a case.

As anyone close to the "best system" can tell you, that's a bald-faced lie and crock of you-know-what. And it's not even de-

batable; the proof is in newspapers on a regular basis.

Consider the headline for the March 27, 1996 edition of the Minneapolis-St. Paul *Star Tribune*: "Judge Lange faces hearing on charges of 'reckless disregard for the truth'".

According to the newspaper and the complaint filed against her, Judge Lange "is accused of holding a news conference in her courtroom . . . in which she made statements in 'reckless disregard for the truth.' She told reporters, 'There is a cancer growing in the judiciary,' and she attacked [judges] Keith, Burke and Porter for 'cronyism'. . . . she [also] made unsupported allegations against U.S. Attorney David Lillehaug, accusing him of prosecutorial misconduct. Her action, says the complaint, 'brings the judicial office into disrepute,' violating the state judicial conduct code."

"If found guilty, Lange could face disciplinary action ranging from a reprimand to removal . . . ."

Now, wait a second. Chief Justice Rehnquist told us that judicial independence was one of the "crown jewels" of our government. And, after all, the Executive branch can't punish her, and the Legislative branch can't punish her, and the People can sue her (immunity), so what dastardly organization is messing with our government's "crown jewels"?

Who else? The courts. The judiciary filed the complaint against Judge Lange, and a panel of three "retired" judges will hear the charges.

Apparently, judicial independence is great so long as it protects judges from interference from the Executive, Legislature, and the People. In fact, that combination of independence and immunity is so important to the objective functioning of our courts that even *criminal acts* will be tolerated if they are committed by judges.

But if the judge in question is making disparaging remarks about the *judiciary*, independence be damned! All the sudden that maverick judge must be stopped, silenced, even defrocked for heresy by the other gangsters on the bench.

And this is how the courts control the system. In the unlikely event that the People ever manage to elect an Honorable, courageous judge to office, no sweat -- her "independence" and "immunity" will be given short shrift, and she'll either learn to play the game like the rest of the crooks, or she'll be out. (And not just out of the judiciary -- she just might even lose his "license" to practice law. What judge will take that risk?)

If the courts really cared about independence and immunity as a critical component for conducting fair, objective trials, all judges would enjoy independence -- even those that threatened to expose other judges. But that doesn't happen. The reason is obvious. The judges are just a bunch of gangsters with their own code of silence and sufficient arrogance to allow them to be crooks.

Judges don't want "judicial independence". They want power. Power to commit and profit from crime. Absolute power based on the "legal" inability of the balance of government and the People to implement virtually any meaningful remedy against judicial gangsterism, terrorism or even mere mistake.

There has never been a time in all of history when any group of men, granted the absolute power of immunity from the law did not become corrupt and tyranical. The "more equal animals" of the American judiciary are no exception. Therefore, if we would truly wish to enjoy "the best legal system in the world", all of us -- even judges -- must be equally vulnerable to that legal system and the special privileges of judicial independence and immunity must be eliminated.

Citizens' Justice Act Of 1996

by David Grossack

Here's one lawyer's proposal for dealing with the problem of judicial immunity. As he says, it's a "starting point". I'd bet that even if this proposed statute were passed, it would be neutered or struck down by the courts. My instincts suggest that judicial immunity will not disappear unless we disband the organized Bar associations, remove lawyers from the disciplinary oversight of judges, and pass a constitutional amendment that clearly specifies the limits of judicial immunity.

Still, this is a starting point that can be used to open a dialogue with our legislators to educate them and then encourage them to pass anti-immunity legislation.

The accompanying proposed legislation is offered as a hopeful starting point to making a meaningful change in the direction of the federal judiciary.

The present direction of the federal judiciary, as any intellectually honest observer knows, is devoid of Constitutional content. Unelected and unaccountable federal judges cannot even be sued for injunctive relief.

This proposed bill, which has not yet been formally introduced into Congress, is in fact a simple way to make federal judges accountable. I would appreciate if your readers would take a look at it and consider sending it to their congressional representative with a request that they vigorously work to make it a reality.

The bill's intent is to subject judges to declaratory and injunctive relief. Declaratory and injunctive relief are remedies which fall short of awarding a claimant money damages. Instead, they are a form of "equitable relief". This means a remedy outside of common law and based on the historical powers of courts to actively pursue basic fairness when no common law remedy will work.

Declaratory judgment is a court opinion that simply declares the rights and status of parties in a case, the ownership of a piece of property, the constitutionality of a custom, rule, statute, or practice -- or, otherwise decides a controversy with an opinion based on judicial findings of law and fact.

Injunctive relief is a court order either prohibiting an act or commanding an act. Willful violation of an injunction is a contempt of court.

Examples of these remedies that might be usefully applied to federal judges:

An injunction against judges to forbid them from treating pro se litigants differently from litigants who hire licensed attorneys.

Declaratory judgments finding that deprivation of a jury trial on questions of administrative law violates due process.

Injunctive relief against judges to prevent the forfeiture of assets in cases where no harm has been done to person or property, or where it would constitute a violation of 8th amendment's prohibition against excessive fines.

Declaratory judgment against requiring bonds be posted in order to file appeals as a violation of procedural due process.

Declaratory and injunctive relief against mandatory sentencing guidelines that arguably deprive defendants of substantive due process rights (basic fairness in the administration of justice) and eighth amendment rights to be protected against cruel punishment (i.e., excessively long sentences). For example, a trafficker in marijuana with multiple counts can spend a good portion of his entire life behind bars; protestors at an abortion clinic prosecuted under RICO statutes face penalties similar to an underworld "godfather".

Unless reforms are rapidly accepted, "federal justice" will be seen by all to be an oxymoron. Here's the proposed bill:

(a) Any person aggrieved by the violations of his constitutional rights by the actions of a member of the federal judiciary shall have the right to bring an action under the specific section of the constitution from which his grievance arose, and seek declaratory and/or injunctive relief against the offending judge, magistrate or other officer, with costs and attorney's fees to be awarded to a prevailing plaintiff. No doctrine of immunity shall be allowed to stand as a defense to an action for declaratory or injunctive relief against a judge, magistrate or other federal official.

(b) This Statute shall enable all actions within the scope of section (a) to be brought in either the court where the judge or magistrate presides or in that of a district or a state adjacent to said state or the state where the plaintiff resides. In the case of federal defendants in Alaska, Hawaii or other jurisdictions outside of the continental United States, the actions may be brought in the United States District Court of the District of Columbia, in addition to other appropriate venues.

(c) All statutes enabling the appointment of federal judges at any level by any elected official or body of elected officials are hereby repealed.

(d) The Congress shall appropriate funds for and designate elections for all federal judicial vacancies which occur after the adoption of this statute. No candidate shall be held disqualified to serve as a federal judicial officer for lack of Bar membership. Federal judicial candidates shall be United States citizens, born in the United States, and over the age of 30.

(e) Judges shall serve a term of six years and stand for re-election no more than once.

This is distributed as a public service by Attorney David Grossack, Director, Citizens' Justice Programs, Post Office Box 90, Hull, Massachusetts 02045. Why not send a copy of this bill to your Congressman and encourage him to introduce or support this legislation? Let him know there's a constituency out here in support

Whose Time Has Come

by J.D. Anderson

As the concept of "immunity" has been "expanded" (see "What A Tangled Web We Weave"), so have the number of judicial crimes committed against Americans. Likewise, unable to find any remedy "within the system", the number of American victims willing to therefore find their remedy "outside the law" has also been growing. Result? Judicial paranoia has tried to shore up their "judicial immunity" with the "physical immunity" of increased court house security.

This next letter from County Commissioner "Andy" Anderson to a judge in charge of court house security suggests that even the folks in government are beginning to see the enhanced court house security as the foolish treatment of a symptom *rather than a* cause. *Today, county level government officials are beginning to embrace the ideas and goals of patriotism; tomorrow, state legislators will do the same. Soon, even federal legislators will openly espouse our cause.*

FROM: J.D. (Andy) Anderson
Stevens County Commissioner, District 2
Stevens County Courthouse
P.O. Box 191. Colville, WA 99114.

December 5, 1995

TO: Honorable Jeffrey C. Sullivan,
Chairman, Court House Task Force
Yakima County Prosecutor
128 North Second Street
Yakima, WA 98901

Dear Mr. Sullivan:

Again, thanks for holding your meeting in Spokane and for allowing me to disagree with all but one person who spoke. I find it appalling that instead of approaching this from a common sense and logical angle, we have people who only argue "how can we afford not to do this!"

I was not able to adequately express myself that night and wish I would have written my thoughts down ahead of time, so that I could have read them into the record. However, the following are some "common sense questions" which I would appreciate someone answering, so that I might be convinced this program is not a total waste of tax payers' money.

1) As I stated at the hearing, how will all this Security in the courthouse protect those who participate in a corrupt court system, or anyone else once they leave the building? Outside the building, we are all fair game.

2) The judge who was present, said that anyone coming into court should be protected while they are there for "justice!" In my opinion, we have no justice in our courts today unless you are with the inside crowd. Justice today is spelled by the bogus system as "JUST-US."

3) Be that as it may, I now ask all the judges there, the legislature, and you, Sir, to compare what happened in Seattle and Portland courts to the following:

(a) How many men, women and children died in their homes during those two days from domestic violence?

(b) How many people died as a result of violent crime on the streets of Seattle and Portland those same days?

(c) How many citizens were killed, maimed, hurt or caused to have a heart attack as a result of government abusive tactics by the IRS, FBI, ATF or local police forces during those two days?

4) What is being done to "protect" *those* common citizens? Someone said it was to protect the people, I totally disagree; it is to protect the judges and members of the Bar. There is no way the astronomical amount of tax money spent for this so-called "protection/security" can be justified as protecting the public.

5) Who protects the police when they are out on the streets? Who protects the military in the field? No one! They both chose their line of work for one reason or another and it would be narrow minded to conclude they chose a "macho" career-field and at the same time expected the tax payers to "PROTECT" them. The same applies for the judges and attorneys.

As I stated for the record at the hearing, "If you are afraid of your job, resign and get out of the position, or treat the people as you would like to be treated. Ninety-nine percent of the time you will be respected, maybe not liked, but respected for your honesty (which is seldom seen in the legal system today) . Your equal treatment (not special treatment, but "equal" as the Constitution dictates), of everyone — each and every person coming before you will result in respect for you.

Unless the above approach is accomplished, those abusing the Constitution and the inalienable rights of the HONEST American citizens, rather than the rapist, murderers, dope dealers, etc., will never feel safe, even if they do have a "security system" in the courthouse! It is sad!

I hope your committee will step back and really ask the question: "Am I afraid, and will all the waste of the tax payers money really protect me or will it only result in making me more vulnerable to attacks outside the protected area?" I believe the latter is true.

Again, I thank you for your time and consideration.

Respectfully,
J.D. Anderson, Commissioner

cc: Stevens County Commissioners
The Honorable Larry Kristianson
The Honorable Fred Stewart
John C. Wetle, Stevens County Prosecuting Attorney
Ferry County Commissioners
Ferry County Prosecuting Attorney
Pend Oreille County Commissioners
Pend Oreille County Prosecuting Attorney

Paranoia or Problem?

by Fred Shannon

Since the bombing of the Federal Building in Oklahoma City, it's apparent, that paranoia is beginning to take hold, not only in the nation, but also in the bureaucracy in our nation's capital. The Secret Service and the President, in their infinite wisdom, have closed off Pennsylvania Avenue to vehicular traffic in front of the Whitehouse.

We, a free nation under God, have arrived at the pinnacle of absurdity and paranoia. A free nation has to *protect* its highest elected official from its own public? How ridiculous.

In order to eliminate the *paranoia* sweeping this nation, it's necessary to recognize its cause and source of the *problem.* Proper solution of the problem *will eliminate the paranoia.*

"Too simple", you say? Possibly. But it's perfectly obvious that all previous remedies have not proven satisfactory. This idiotic paranoia is increasing daily.

Does that part of the American public organizing itself into groups called "militias", have reason to be doubtful about the US Government and its actions during the last seven years?

Certainly. Consider the following:

* The Wounded Knee incident involving the American Indians in Dakota.

* Numerous "dynamic entries" (one of my favorite BATF/FBI terms for blasting their way into a suspect's house to *serve a search warrant*) that have resulted in injury and sometimes death to the search warrant recipient.

* The "incident" (FBI classification) at Ruby Ridge Idaho, wherein Randy Weaver's wife was killed by a FBI sniper while nursing an infant, along with the murder of the Weaver's 14 year old son.

* The BATF attack on the Branch Davidian "compound" at Waco, Texas that resulted in the deaths of four BATF agents and over 85 Branch Davidians during the early 1993 time frame. (In the final FBI assault, CS gas was used heavily on not only the men in the building, but also the women, children, and infants. This gas can't even be used on *enemies* of the United States during *wartime*. Check it out).

* Then there's the bombing of the federal building in Oklahoma City. Rumor has it that several BATF agents were not present in the building on April 19, 1995. The conspiracy theories on the facsimile circuit were in abundance the day after the bombing.

* I watched every minute of the Waco hearings conducted by the House of Representatives. What a show. New York's Representative Schumer and Mississippi's Representative Taylor spent the better part of 10 days trying to "clear the administration's position" on Waco but failed miserably and instead provided many days of "embarrassing moments" for Committee members. After the hearings were over, I felt as if I were reliving the Warren Commission Investigation of the Kennedy assassination because *the next logical question was not asked.*

Scary, huh? But are all of the above listed "incidents" just that, *isolated incidents?* Or are they really part of a long-term conspiracy perpetrated by members of the US Government to remove all guns from the hands of the private citizens and then orchestrate the "One World Government" takeover?

One can rest assured that a "dynamic entry" into this writer's home might prove embarrassing to everyone. Law enforcement agents are welcome in my home at any time, providing they are accompanied by a lawfully executed search and/or arrest warrant, or socially. Nothing to hide and faith in our justice system are the contributing factors for this statement. However, law enforcement must remember all of the first 10 amendments to the Constitution pertain to this individual.

However, should federal law enforcement agents be harmed in any way while trying to enforce a legitimate law? Absolutely not, but agents should be reminded that "dynamic entry" may not always be the best public policy procedure for serving legitimate search or arrest warrants. For example, criminals have recently started breaking into individuals' homes by breaking through of doors and windows while screaming "PO-lice! PO-lice!"

Historically, the most obvious difference between a criminal's entry into your home and entry by police has been one of lawful procedure. The crooks kicked down your door, but the police typically knocked, announced themselves, gave you an opportunity to open the door, and served lawful papers. If government continues to emulate the criminals' "dynamic entry" procedures, how can the average individual distinguish between cops and robbers? Unable to make that distinction, some might soon become so skeptical of dynamic entries accompanied by shouts of "PO-lice, PO-lice!" that some real tragedies may transpire. Think about it.

While it's true that paranoia is running rampant through this country, I believe that reason will prevail because the majority of the American citizenry will see the light, and remove the yoke of the Washington Bureaucracy from around their necks with the vote. That's the proper way and now is the proper time.

Cause and effect

What causes this paranoia?

We have forgotten how to communi-

cate with each other.

For instance, where does it say in the Constitution, that the government bureaucracy is the boss? Folks, *you* are the supervisors of this nation. *Communicate* that fact to your elected representatives. Let them know how you feel. For example, if you don't approve of the federal law enforcement agencies "dynamic entries", let all elected officials, and federal law enforcement agencies know of your concerns in writing. Remember, don't be intimidated, they work for *you*. If they see fit not to reflect your expressed viewpoint with their vote in Congress then let them feel your wrath at the next election. Simply turn them out.

To our elected officials, "Are you listening?" You elected guys/girls better remember one man's detour might be another's derailment.

Fred Shannon is a contributing writer for the Ellis County Press.

Incidently, the April 8, 1996 National Law Journal carried an editorial opinion and article under the banner headline, "Judicial Crackups Fracture the Bench". A sub-headline reads, "Outlandish behavior in and out of court suggests the pressure's become too great."

The article by Darryl Van Duch begins, "Judicial meltdown has set in, say judges as well as the lawyers and health professionals who work with them. Unbearable stress, they say, is responsible for increasingly frequent, bizarre incidents involving a surprising number of judges, including some at the highest levels . . . ."

The editorial opinion declares, "It's not very pleasant being a judge these days. Mental health professionals say they're seeing a lot of anger and anxiety in their judicial clients, the apparent result of crushing caseloads, novel and complex legal issues and increasing media attention. . . . . The pressures have manifested themselves in a number of high-profile and lurid scandals involving judges hatching kidnap plots, resisting arrest or obtaining drugs."

(How interesting; kidnapping, resisting arrest, and obtaining drugs are not crimes *-- at least not for judges -- they are merely evidence of "unbearable stress". Sounds like the bleeding heart liberals are back to save or excuse the criminal behavior of the poor, down-trodden judges.)*

The editorial continues, "Complaints against the third branch of government have been on the upswing, too, increasing 24 percent in the federal courts in just three years, with similar or greater increases in the states."

It appears we are finally getting to them. But regardless of whether the "increasingly frequent bizarre incidents" are evidence of "unbearable stress" and resultant mental illness or simply the overt crimes of a judiciary overpopulated by arrogant gangsters, the problem has finally become too large to be ignored. That means some kind of system-wide revolution is heading for our judiciary.

That revolution will be driven by the paranoia inspired in all of us -- citizens, police, lawyers, and judges -- by the fear-mongering, "git-tuff" fascists who've taken control of government for the past fifteen years. Y'know, it's important to understand that every time some politician sells some "git tuff" law to tighten down on "niggers, wet backs, and po' white trash," he's really creating a climate of fear for all of us. If we pass a law to jail anyone with a single marijuana cigarette for fifteen years, the sentence is so clearly "cruel and unusual", even "peaceniks" with just one joint in their pocket will become so paranoid, that some of them will start shooting cops. Then the cops get paranoid, start shooting first and asking questions later; then they become a criminal enterprise to cover for each other's paranoid excesses. Lawyers (both prosecutors and defense) begin to get paranoid because it' crosses their minds that when this kid who was sentenced to fifteen years for a triviality gets out, he just might be angry enough to kill somebody. Judges should be likewise moved to paranoia by "git tuff" mandatory sentencing.

The simple truth is that no one can impose injustice and not be subjected to the terrors of revenge. Sure, you can sentence hundreds, even thousands of people to unjust penalties and most of 'em won't even whimper. But most people responsible for the injustice will at least think about it, will at least spend the balance of their lives sipping the adrenaline of their own fear. And once in a great while, one of those judicial victims will show up with a gun.

Injustice is a cancer. If you allow it into a system -- unless it is checked -- it will eventually take over that system and kill it. The American judicial system is infected with the cancer of injustice. It has now grown to the point that the patient is equally in fear for his life and terrified of the radical surgery necessary to save that life.

Good.

Judges are starting to crack. When they get scared enough, they'll even begin to talk.

A Letter to Comrade Marge

by Larry Becraft

Attorney Larry Becraft (Huntsville, Alabama) provided the following letter for possible submission to the I.R.S. I've edited the original text a little and the "attached photocopy" referenced in this letter is not reproduced herein -- but otherwise all the research and fundamental questions are courtesy of Mr. Becraft.

Mrs. Margaret M. Richardson
Commissioner of Internal Revenue
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

Re: Lawful creation of IRS

Dear Mrs. Richardson,

Over the past several years, several friends, lawyers and myself have searched unsuccessfully within the Internal Revenue Code for the section which created your agency — the Internal Revenue Service. Eventually, we decided to seek other sources of information regarding the establishment of the Internal Revenue Service; what we've found seems amazing.

For example, in 1972, an Internal Revenue Manual 1100 (IRM 1100) was published in both the Federal Register and Cumulative Bulletin (see 37 Fed. Reg. 20960, 1972-2 Cum. Bul. 836; a copy is attached for your convenience). The very first page of the Bulletin's "Statement Of Organization and Functions" includes the following admission concerning the lawful creation of the IRS:

"(3) By common parlace [sic] and understanding of the time; an office of the importance of the Office of Commissioner of Internal Revenue was a bureau. The Secretary of the Treasury, in his report at the close of the calendar year 1862 stated that 'The Bureau of Internal Revenue has been organized under the Act of the last session....' Also it can be seen that Congress had *intended* to establish a Bureau of Internal Revenue, *or thought they had*, from the act of March 3, 1863, in which provision was made for the President to appoint with Senate confirmation a Deputy Commissioner of Internal Revenue 'who shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and who shall act as Commissioner of Internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue.' In other words, 'the *office* of internal revenue' was 'the *bureau* of internal revenue,' and the act of July 1, 1862, is the organic act of today's Internal Revenue Service." [Emphasis added]

Obviously, when the IRS employees researched the IRS's history so a statement of origin could be included within IRM 1100, those employees must have performed a very thorough investigation. Therefore, the statement that Congress "intended" or "thought they had" established the Bureau of Internal Revenue (and thereby, the Internal Revenue Service) must be the *best* explanation your agency can provide regarding the creation of the IRS (after all, the stated explanation is so weak that it would not have been included if a stronger explanation was available).

However, to conclude that Congress *"thought"* it had created the Bureau is an admission that even the government can't find a statute which lawfully created either the Bureau of Internal Revenue or the Internal Revenue Service.

Note that the *only* office created by the act of July 1,1862, was the *Office of the Commissioner*; neither the *Bureau* of Internal Revenue nor the Internal Revenue *Service* was actually created by any of these acts. However, at the state level, it is an acknowledged rule that a duly constituted *office* of state government must be created either by the state constitution or by some legislative act.[1] Likewise, a duly constituted *office* of the federal government must be also created by either the national constitution or by some legislative act of Congress.[2]

Therefore, the IRS Statement of Organization and Functions (which is also published in 39 Fed. Reg. 11572, 1974-1 Cum. Bul. 440 and the current IRM 1100) implicitly concedes that Congress *never created* either the Bureau of Internal Revenue or the Internal Revenue Service.

Besides the problem that the Congressional acts of 1862 did not create either the Bureau of Internal Revenue or the IRS, there is the additional problem that these acts were *repealed* one decade later by the adoption of the Revised Statutes of 1873. Therefore, it appears that your agency does not legally exist since it was never created by any Congressional act -- and even if it was, the alleged act of creation was later repealed.

Therefore, I am asking that you please inform me of whatever citation and/or statute which really did create the IRS. Since this is a question of profound national importance, I request that you provide an answer to me within 20 days. Failing a response within that time period, I shall conclude that, like me and my fellow researchers, even the Commissioner of Internal Revenue cannot find any statute which provides for the lawful origin of the Internal Revenue Service.

Yours truly,
John Doe

[1]See *Patton v. Bd. of Health,* 127 Cal. 388, 393, 59 P.702, 704 (1899)("One of the requisites is that the office must be created by the constitution of the state or it must be authorized by some statute"); *First Nat. Bank of Columbus v. State,* 80 Neb. 597,114 NW. 772, 773 (1908); *State ex rel Peyton v. Cunningham,* 39 Mont. 197, 103 P.497, 498 (1909); *State ex rel Stage v. Mackie,* 82 Conn. 398, 74 A. 75, 761(1909); *State ex rel Key v. Bond,* 94 W.Va. 255, 118 S.E. 276, 279 (1923) ("a position is a public office when it is created by law"); *Coyne v. State,* 22 Ohio App. 462, 153 N.E. 876, 877 (1926) ("Unless the office existed there could be no officer either *de facto* or *de jure.* A *de facto* officer is one invested with an office; but if there is no office with which to invest one, there can be no officer. An office may exist only by duly constituted law"); *State v. Quinn,* 35 N.M. 62, 290 P.786, 787 (1930); *Turner v. State,* 226 Ala. 269, 146 So. 601, 602 (1933); *Oklahoma City v. Century Indemnity Co.,* 178 Okl. 212, 62 P.2d 94, 97 (1936); *State ex rel Nagle v. Kelsey,* 102 Mont. 8, 55 P.2d 685, 689 (1936); *Stapleton v. Frohmiller,* 53 Ariz. 11, 85 P.2d 49, 51(1938); *Buchholtz v. Hill,* 178 Md. 280, 13 A.2d 348, 350 (1940); *Krawiec v. Industrial Comm.,* 372 Ill..560, 25 N.E.2d 27, 29 (1940); *People v. Rapsey,* 16 Cal.2d 636,107 P.2d 388, 391(1940); *Industrial Comm. v. Arizona State Highway Comm.,* 61 Ariz. 59, 145 P.2d 846, 849 (1943); *State ex rel Brown v. Blew,* 20 Wash.2d 47,145 P.2d 554, 556 (1944); *Martin v. Smith,* 239 Wis. 314, 1 N.W.2d 163, 172 (1941); *Taylor v. Commonwealth,* 305 Ky. 75, 202 S.W.2d 992, 994 (1947); *State ex rel Hamblen v. Yelle,* 29 Wash.2d 68, 185 P.2d 723, 728 (1947); *Morris v. Peters,* 203 Ga. 350, 46 S.E.2d 729, 733 (1948); *Weaver v. North Bergen Tp.,* 10 N.J. Super. 96, 76 A.2d 701(1950); *Tomarls v. State,* 71 Ariz. 147, 224 P.2d 209, 211(1950); *Pollack v. Montoya,* 55 N.M. 390, 234 P.2d 336, 338 (1951); *Schaefer v. Superior Court in & for Santa Barbara County,* 248 P.2d 450, 453 (Cal.App. 1952); *Brusnlgham v. State,* 86 Ga.App. 340, 71 S.E.2d 698, 703 (1952); *State ex rel Mathews v. Murray,* 258 P.2d 982, 984 (Nev. 1953); *Dosker v. Andrus,* 342 Mich. 548, 70 N.W.2d 765, 767 (1955); *Hetrich v. County Comm. of Anne Arundel County,* 222 Md. 304, 159 A.2d 642, 643 (1960); *Meiland v. Cody,* 359 Mich. 78, 101 N.W.2d 336, 341 (1960); *Jones v. Mills,* 216 Ga. 616,118 S.E.2d 484, 485 (1961); *State v. Hord,* 264 N.C. 149,141 S.E.2d 241, 245 (1965); *Planning Bd. of Tp. of West Milford v. Tp. Council of Tp. of West Milford,* 123 N.J.Super. 135, 301 A.2d 781, 784 (1973); *Vander Linden v. Crews,* 205 N.W.2d 686, 688 (Iowa 1973); *Kirk v. Flournoy,* 36 Cal.App. 3d 553,111 Cal. Rptr. 674, 675 (1974); *Wargo v. Industrial Comm.,* 58 Ill.2d 234, 317 N.E.2d 519, 521 (1974); *State v. Bailey,* 220 S.E.2d 432, 435 (W.Va. 1975); *Leek v. Theis,* 217 Kan. 784, 539 P.2d 304, 323 (1975); *Midwest Television, Inc. v. Champaign-Urbana Communications, Inc.,* 37 Ill.App.3d 926, 347 N.E.2d 34, 38 (1976); and *State v. Pinckney,* 276 N.W.2d 433, 436 (Iowa 1979).

[2]See *United States v. Germaine,* 99 U.S. 508 (1879); *Norton V Shelby County,* 118 U.S. 425,441,6 S.Ct. 1121 (1886)("there can he no officer, either *de jure* or *de facto, if* there be no office to fill"); *United States v. Mouat,* 124 U.S. 303, 8 S.Ct. 505 (1888); *United States v. Smith,* 124 U.S. *525,* 8 S.Ct. 595 (1888); *Glavey v. United States,* 182 U.S. 595, 607, 21 S.Ct. 891 (1901)("The law creates the office, prescribes its duties"); *Cochnower v. United States,* 248 U.S. 405,407, 39 S.Ct. 137 (1919) ("Primarily we may say that the creation of offices and the assignment of their compensation is a legislative function . . . And we think the delegation of such function and the extent of its delegation must have clear expression or implication"); *Burnap* v *United States,* 252 U.S. 512, 516, 40 S.Ct. 374, 376 (1920); *Metcalf & Eddy v. Mitchell,* 269 U.S. 514, 46 S.Ct. 172, 173 (1926); *N.L.R.B. v. Coca-Cola Bottling Co. of Louisville,* 350 U.S. 264, 269, 76 S.Ct. 383 (1956)("'Officers' normally means those who hold defined offices. It does not mean the boys in the back room or other agencies of *invisible government,* whether in politics or in the trade-union movenent."); *Crowley v. Southern Ry. Co.,* 139 F. 851, 853 (5th Cir. 1905); *Adams v. Murphy,* 165 F. 304(8th Cir. 1908); *Scully v United States,* 193 F. 185, 187 (D.Nev. 1910) ("There can be no offices of the United States, strictly speaking, except those which are created by the Constitution itself, or by an act of Congress"); *Commissioner v. Harlan,* 80 F.2d 660, 662 (9th Cir. 1935); *Varden v. Ridings,* 20 ESupp. 495 (E.D.Ky. 1937); *Annoni v. Blas Nadal's Heirs,* 94 E2d 513, 515 (1st Cir. 1938); and *Pope v. Commissioner,* 138 F.2d 1006, 1009 (6th Cir. 1943).

Ecosystem Management: Part of a Global Environmental Agenda

by Henry Lamb

This article focuses on various biodiversity-based strategies used to implement a one-world government, but it also provides my first awareness of "Non-Governmental Organizations" (NGO's). Although the author doesn't explore their structure, it's apparent that NGO's are government - chartered corporate and/or nonprofit organizations which owe their primary allegiance to government (not the People).

More importantly, like any private organization, NGO's are free to act in ways that government cannot. Unrestricted by the Constitution, NGO's can therefore help implement social policy which government desires but is unconstitutional. I suspect that a solid understanding of Non-Governmental Organizations may be vital to understanding the unconstitutional growth and goals of Big Government.

What are NGO's? Although it's not referenced in this article, the Federal Reserve is probably our best known Non-Governmental Organization. What's it do? As a private corporation, the Federal Reserve allows the federal government to impose in fact what is constitutionally forbidden in law: a debt-based, paper currency. The consequent profits for Federal Reserve stockholders are not only enormous but untaxed, and the consequent impoverishment of the American people is similarly massive and unconstitutional.

Another example of a Non-Governmental Organization might be the U.S. Post Office which was "privatized" (sold to private parties and incorporated) in the early 1980's and is no longer a true component of our constitutional government. Are the folks who bought the Post Office getting rich at public expense? How 'bout the American Bar Association? Is that an NGO?

I suddenly see that the "privatization of government" movement (which I once cheered) may be extremely dangerous. "Privatization" refers to the process of selling off government agencies (like the Post Office) and placing them in the hands of private owners and investors. We've presumed that a privately owned and managed business would necessarily function more efficiently and at less cost to the taxpayers than one of those clumsy, inefficient government bureaucracies. Naturally critical of government, we cheered to see government cut up into corporate chunks and reinstalled in the free market.

But. Once that government agency is "privatized" into a Non-Governmental Organization, it often becomes a monopoly. Worse, as an NGO, it can act in ways forbidden for government agencies by the Constitution, and is now beyond the direct control of the American people. Oh, we can still indirectly "influence" an NGO (much like we can influence General Motors by not buying one of their new models of automobiles), but our direct political "control" over the NGO's is now as limited as our control over GM.

Perhaps, Mr. Lamb's most shocking assertion is that government *sometimes "invites" pet NGO's to sue* government *over one issue or another. Then, rather than defending the suit, government* intentionally *"settles" the case with the NGO in order to pay the pet NGO several hundred thousand dollars in taxpayers' money. The object of these contrived lawsuits is to illegally "fund" activist organizations which seek to implement goals which are "politically correct" but unconstitutional. In short, government is taxing you and me to fund NGO's dedicated to destroying private property, our Republic, and any semblance of Constitutional government. That's monstrous and treasonous.*

Reading between the lines in Mr. Lamb's article, I find chilling implications. See if you agree.

The East Texas Ecosystem Management Plan is not an "East Texas" plan. It is, in fact, one small step toward the implementation of a much broader global environmental agenda.

Like several other plans now in various stages of implementation in America, the East Texas Ecosystem Management plan was conceived in Gland, Switzerland in a publication called the *World Conservation Strategy,* published jointly in 1980 by the International Union for the Conservation of Nature (IUCN), the World Wide Fund for Nature (WWF), and the United Nations Environment Programme (UNEP). It was given birth in 1981 when the IUCN formally proposed an international treaty that was to become known as the *Convention on Biological Diversity.*[1] It was nurtured through the 1980's and presented to the world in Rio de Janeiro in 1992 at the United Nations Conference on Environment and Development (UNCED). President George Bush refused to sign the treaty, but then-Senator, now Vice President Al Gore, urged President Bill Clinton sign the document on June 4, 1993, and opened America's door to the Global Environmental Agenda.

Article 8 of the treaty says:

"Each contracting party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity."

The vague language of the treaty does not suggest what *"a system of protected areas"* means; the *Global Biodiversity Assessment* does.

Global Biodiversity Assessment

A full year before the treaty became international law (on December 29, 1993 when ratified by 30 nations), UNEP authorized the development of the *Global Biodi-*

versity Assessment (GBA), required by the treaty.[2] The GBA has not yet been officially released, so the world cannot yet read what is intended. However, we have intercepted five sections of the GBA in the final, peer-review draft. Section 10 provides a vivid description of a system of protected areas:

"The protection and management of fragments requires . . . . that representative areas of all major ecosystems in a region need to be reserved, that blocks should be as large as possible, that buffer zones should be established around core areas, and that corridors should connect these areas. This basic design is central to the recently-proposed 'Wildlands Project' in the United States."

The Wildlands Project

The Wildlands Project was written by Dr. Reed F. Noss, "on contract with the National Audubon Society and The Nature Conservancy,"[3] and says:

- ". . . *at least half* of the land area of the 48 coterminous states should be encompassed in core reserves and inner corridor zones . . . within the next few decades."
- "The native ecosystem and the collective needs of *non-human species must take precedence* over the needs and desires of humans."
- "Ideally, *all* lands should be managed, at least in part, for biodiversity."
- "A wilderness recovery network is an interconnected system of strictly protected areas (core reserves), surrounded by lands used for human activities compatible with conservation that put biodiversity first (buffer zones), and linked together in some way that provides for functional connectivity of populations and processes across the landscape."
- "These corridors may range in scale [from] a few dozen meters wide to regional corridors one hundred miles or more in length and *many miles in width.*"
- "In many cases, *private lands will need to be acquired* and added to national forests and other public lands in order to serve as effective buffers."

The Ecosystem Management Policy

Immediately after taking control of the White House in 1993, Al Gore began reorganizing society around his central organizing principle: "rescuing the environment."[4] He appointed leaders of Green Advocacy Groups (GAGs) to head virtually all resource agencies, and gave them free reign to "reinvent" government behind the screen of his "National Performance Review." In June, 1995, Executive Order #12852 created the President's Council on Sustainable Development, in keeping with Principle 3 of the Rio Declaration. By August, 1995, both the Department of Interior and the Environmental Protection Agency had draft versions of a new Ecosystem Management Policy which says, in part:

"A broad national vision for change is needed. The federal government must focus this vision by creating and implementing a cohesive and comprehensive national policy on ecosystem protection. The Executive Branch should develop a national ecosystem management policy . . . pursuant to an executive order . . . pass new laws . . . and implement structural changes which establish ecosystem plans and institutionalize ecosystem management principles."[5]

The EPA claims to be the catalyst for implementation of this broad national vision, but the Department of Interior (DOI) is the primary instigator. DOI's policy calls for the creation of an Interagency Ecosystem Management Coordination Group (IEMCG) to serve as a "Forum" for federal agencies and *non-government agencies* and to promote "multimedia enforcement" which is defined as simultaneous "clustered" inspection and enforcement actions *by the 20 agencies* in the IEMCG.[6] The Ecosystem Management Policy documents also say:

- Evaluate national policies on environmental protection and resource management in light of *international* policies and obligations."
- "EPA must make ecosystem protection a primary goal of the Agency, on a par with *human* health...."
- "All ecosystem management activities should consider human beings as a biological resource;"
- "A national ecosystem management strategy should be based on ecological rather than *political* boundaries."

Barriers to Ecosystem Management to be overcome are defined as:

- "primacy of *state* enforcement"
- "EPA has little influence over *local* policies"
- "*Local* political reluctance."

East Texas Ecosystem Management Plan

The new Ecosystem Management Policy is but one method by which the global environmental agenda is being implemented in America. A major portion of the agenda was delivered to Texas by the Department of Interior's U.S. Fish and Wildlife Service in the form of the East Texas Ecosystem Management Plan (ETEMP), in September, 1994. The President's Council on Sustainable Development (PCSD) is now developing specific recommendations to re-

inforce the Ecosystem Management Policy and to further implement the entire global environmental agenda.

ETEMP embraces *73 Texas counties* and a portion of the Sabine River basin in Louisiana. It stretches from the Dallas-Forth Worth area to Austin to Louisiana. The plan seeks to implement the Ecosystem Management Policy consistent with international policy, despite the fact that the Convention on Biological Diversity has not been ratified by the U.S. Senate. The first goal of the plan is to:

"Restore and maintain the natural diversity of the East Texas Ecosystem in cooperation with resource management agencies, other government and non-government entities, and private landowners."

The terms "restore and maintain" are not defined in the ETEMP. The *Global Biodiversity Assessment* (GBA) however, is quite specific:

"Ecosystem conservation measures *seek to limit human activities* in limited geographic areas where they may adversely impact populations of species or interfere with ecosystem processes (Section 10.4.2). Rehabilitation involves the repair of damaged ecosystems, while *restoration* usually involves the reconstruction of a natural or semi-natural ecosystem. The only solution to extensively fragmented landscapes is the large scale restoration as a whole" (Section 10.4.4). [Emph. add.]

The first goal of the ETEMP is to reconstruct natural or semi-natural ecosystems throughout 73 counties in East Texas. "Natural" means "present in or produced by nature; *not mankind.* Conforming to the usual course of nature and *not influenced by man's activities.*"[7] Clearly stated then, the first goal of the ETEMP is to return 73 *Texas counties* to a natural condition, *not influenced* by man's activities.

The Sierra Club has already mapped all of North America into 21 bioregions,[8] and the Department of Interior has mapped 52 contiguous ecosystems.[9] Ecological units, especially ecosystems and bioregions, cross political boundaries. The GBA describes how these ecosystems and bioregions are to be reconstructed -- and *governed*:

- "Within these areas, most activities are prohibited or restricted to ensure the long-lasting conservation of the ecosystem concerned. The integrity of a protected area may be achieved through public ownership or regulatory measures."
- "Legislation should facilitate land acquisition for conservation purposes by the *government*, by instituting a *right* of pre-emption over land coming on the market, a right of *compulsory purchase*, and tax incentives for vendors."
- "Management boards aim to represent all interests concerned and are composed of government officials and representatives of local authorities, scientific institutions, conservation *NGO's*, landowners and local economic interests."
- "The law should clearly establish conditions of participation in the decision-making process and should cover consultation of scientific bodies and conservation NGO's.10

Non-Governmental Organizations

NGO's (non-government organizations) are the foot soldiers of the international environmental community. According to the Global Biodiversity Assessment, NGO's bear the *primary responsibility* of educating the community, *dominating* local meetings conducted to build "public/private partnerships," manage protected areas, *dominate* local and regional "stakeholder" boards, and ultimately, to *dominate* Bioregional Councils (the management mechanism for bioregions). Since bioregions are *transboundary* in nature, the Bioregional Council is to have final authority in *all* land use and resource decisions within the bioregion.

The Department of Interior relies heavily on NGO's. DOI's "National Hierarchical Framework of Ecological Units" was developed with assistance from *The Nature Conservancy*.[11] Between 1993 and 1995, DOI gave The Nature Conservancy $4,171,281 in direct grants, a part of $242,532,016 awarded to 869 NGO's and individuals during the same period.[12] The East Texas Ecosystem Management Plan (ETEMP) builds on this familiarity with NGOs.

Cooperative ventures may be any arrangement, from DOI's "Partners for Wildlife" program, to direct purchase, to agreements reached as a result of multimedia inspection and enforcement activities. Action Item #2 calls for the Arlington and Clear Lake Field offices to develop 75 projects that "restore" 11,300 acres over three years, and designates *$555,000* for that purpose. "Public/private partnerships" can be whatever it takes to "restore" the East Texas Ecosystem to its "natural" condition.

Strategy #3 — "Monitor compliance with existing Federal laws and regulations" — sets forth two action items which utilize a little known Memorandum of Agreement (MOA) between the *Farmers Home Administration* (FmHA) and the Department of Interior. The MOA requires the FmHA to notify the Fish & Wildlife Service anytime

a property is *repossessed*. The Fish & Wildlife Service then evaluates the property and attaches a *perpetual* conservation easement to the property. If the property cannot be sold after the easement is attached, the property is added to the federal inventory, *or transferred to an appropriate NGO*. Many such properties held by the government are managed under contract by NGOs. The ETEMP designates $474,500 for this purpose. Throughout the plan, action items call for using the media, The Nature Conservancy, and other "conservation groups" to "educate diverse segments of the human population, emphasizing the importance of protecting naturally diverse lands and water . . . ."

As the plan unfolds over the next three years, there will be an increase in what is called "resource inventory." Existing inventories from Heritage Corridor studies, National Natural Landmarks studies, Scenic Rivers, and Scenic Byways studies will be compiled. In fact, Reed F. Noss (author of the Wildlands Project) has already compiled a preliminary study under contract with the Department of Interior. His study says: *"The most endangered ecosystems are typically at low elevations and have fertile soils, amiable climates, easy terrains, abundant natural resources, and other factors that encourage human settlement and exploitation."*[13] He says that Texas has suffered, ">99.9 percent loss of prairie; 85 percent loss of natural longleaf pine forests and almost all of the loblolly-short-leaf pine, mainly for conversion to loblolly pine plantations."[14] Loblolly pines *planted by man*, of course, are not "natural", and do not fit the definition of a "restored" ecosystem.

What To Expect

Individual land owners will be targeted for "Partnership" agreements. Where those voluntary agreements fail, increased inspection and enforcement from *all 20* IEMCG agencies can be anticipated. Simultaneously, NGOs will sponsor (or cosponsor with a government agency) specific local or regional workshops and programs to "educate the human population." Slick advertising campaigns are frequently used, especially to promote the designation of more wilderness area or park expansion. Some NGOs will work to designate Scenic Rivers. Others will promote the designation of Scenic Byways. There is likely to be an increase in law suits filed by NGOs to list more endangered species, or to stop timber cutting while some kind of study is performed.

Either through open coalitions, or behind the scenes, the NGOs are coordinating their activities to support, or to push the Fish and Wildlife Service's implementation of the East Texas Ecosystem Management Plan. And they are not operating in a vacuum.

National Implications

So far, the President's Council on Sustainable Development (PCSD) has 15 principles of sustainability, including:

- "Sustainable development requires *fundamental changes* in the conduct of government, private institutions, and individuals."
- "Protection of natural systems *requires changed patterns of consumption.*"

Specific recommendations include:

- "The President and Congress should authorize and appoint a national commission to develop a national strategy to address changes in *national population distribution* that have negative impacts on sustainable development."
- "Establish a public/private partnership . . . for assigning environmentally superior labels for goods and services. An appropriate third-party, *non-governmental entity* will be *supported with federal funds* to certify . . . environmentally superior products."[15] [emph. add.]

Dozens of similar recommendations ranging from local school curricula to local building permits and zoning criteria are about to be unleashed through Executive Order, expanded regulatory authority, and new legislative proposals to implement the PCSD's recommendations.

These recommendations are consistent with recommendations being developed in 40 other nations through the "Earth Council", an NGO founded by Maurice Strong, first Executive Director of UNEP, and Secretary General of UNCED, the 1992 Earth Summit in Rio de Janeiro. The PCSD's recommendations are designed to reinforce the Ecosystem Management Policy and to expand its reach into virtually every aspect of human life -- it is the implementation in America of the Global Environmental Agenda.

East Texas is not a pilot project. The same activity has been going on in the Columbia River Basin since 1992. It has been underway in the Adirondacks for several years. It is underway in southern California, where The Nature Conservancy has published a plan that reaches from north of Los Angeles to near San Diego. In the southern Appalachians, UNESCO's Biosphere Reserve Program has targeted an area that reaches from Huntsville, Alabama to near Richmond, Virginia as a bioregion. UNESCO's World Heritage Center, in co-

operation with the Greater Yellowstone Coalition, is trying to designate *18 million acres* around Yellowstone National Park (2.3 million acres) as a buffer zone.

All over America, thousands of NGOs are working in a coordinated fashion to implement the Global Environmental Agenda. Where the current administration can assist, it does. Where it cannot, it welcomes law suits filed by NGOs. More often than not, the federal agency will agree to an out of court settlement to achieve the suit's objectives. *Then the federal government pays the legal fees of the NGO, and often supports a cash award to the NGO.*

In 1995, eleven days after the EPA filed an action against three Alaskan oil companies, Greenpeace and three Alaska NGOs filed a law suit. The consent decree negotiated by the EPA included fines against the companies in the amount of $206,500, but also *cash* payments to the NGOs in the amount of $895,000 "to support their activities."[16]

Conclusion

There can be no question that the East Texas Ecosystem Management Plan is but a part of a much broader global environmental agenda. The ultimate objectives are long range — 50 to 100 years — and seek to transform global societies, especially in America. The GBA says repeatedly that the American life-style is *not sustainable* because:

* The American life-style causes two-thirds of the world to be impoverished;

* Biodiversity is a community resource that *must be shared "equitably" by all people,* and that Bioregional Councils should determine individual access to biodiversity — *not individual owners;*

* Consumption in America must be reduced by as much as *60 to 80 percent*; and,

* Either global population must be reduced to one billion, to live at the American standard, or that the American standard must be reduced to *agrarian subsistence levels* to sustain the present population of 5.7 billion.

The ideas, principles and procedures, so vividly described in the *Global Biodiversity Assessment,* are being implemented in America without Congressional debate, and largely, without public awareness. The East Texas Ecosystem Management Plan is but one small step toward achieving the objectives of the global environmental agenda.

Mr. Henry Lamb is the Executive Vice President of the Environmental Conservation Organization which publishes an excellent magazine ("eco-logic") on the various "biodiversity" strategies being used to advance the cause of global government. For further information write to POB 191, Hollow Rock, Tenn. 38342, call (901) 986-0099, or E-Mail to ecologic@freedom.org.

[1]*Global Biodiversity Assessment,* Section 10, September 2, 1994 Draft, Chapter 10.6.4.2, p.243.

[2]The GBA project is chaired by Robert Watson, and funded by the Global Environment Facility (GEF). Robert Watson chaired NASA's Ozone Trends Panel and coordinated the ozone science assessment for UNEP/WMO (World Meteorological Organization). His controversial policy-by-press-release strategy precipitated the ban on CFC's, and the Senate's unanimous adoption of Al Gore's resolution to speed up the ban to 1995 instead of the original 2000. According to Dr. S. Fred Singer, and others, Watson's press releases made claims about ozone depletion that were not supported by the data cited.

[3]*Wild Earth,* Special Edition, "The Wildlands Project," 1992, p.21. *(Wild Earth* is published by the Cenozoic Society, Inc., Dave Foreman, Executive Editor. The Wildlands Project is located at POB 5365, Tucson, AZ 85703, Dave Foreman is Chairman of the Board, and Dr. Reed F. Noss is a member of the Board of Directors.)

[4]Al Gore, 1992, *Earth in the Balance,* N.Y., NY, Penguin Books USA, Inc., pp. 269f.

[5]U.S. Environmental Protection Agency National Performance Review "Ecosystem Protection," August 6, 1993, p.3.

[6]*Ibid,* p.14.

[7]*Global Biodiversity Assessment Summary,* Section 10, Glossary, p.8.

[8]*Sierra,* 21 Ecoregions, March/April 1994, Vol.79/No. 2.

[9]U.S. Fish and Wildlife Service Memorandum, March 8, 1994.

[10]*Global Biodiversity Assessment Summary,* Section 10.6.3, p.22.

[11]Department of Interior Special Issue Briefing Paper prepared for the BLM Summit, April 30, 1994, p.10.

[12]*eco-logic,* Sept/Oct *1995,* p.24. (From the Department of Interior's reports to the Federal Assistance Awards Data System).

[13]Reed F. Noss, "Endangered Ecosystems of the U.S.: A Preliminary Assessment of Loss and Degradation, 1995, p.16.

[14]*Ibid,* pp.47-48.

[15]President's Council on Sustainable Development, Overview, 1994, prepared for the Seventh Meeting of the PCSD, April 27-28, 1995, San Francisco.

[16]Reuters News Service, "Alaska Pollution Settlement to Fund Citizen Group," Yereth Rosen, October 6, 1995.

The Second "Thin Blue Line"

by Jack McLamb

We've heard of the "thin blue line" of police officers who protect the law-abiding citizens from criminals. But there's an even "thinner" blue line of law enforcement officers (current and retired) who are trying to protect the law-abiding citizens from government. *Mr. McLamb is a charter member of the Second Thin Blue Line.*

This is the first of three articles by or about law enforcement officers openly critical of government. The presence of these critical "insiders" is proof of government's growing instability and the fact that anti-big-government sentiments are even embraced by folks within *government. Point: government is not some monolithic monster; not all government officials or police officers are against the patriot/ legal reform goals -- and with a little effort by both sides, the police and the people can communicate and restore their natural alliance.*

Jack McLamb was Phoenix, Arizona's most decorated police officer and, at one point, was expected to become the Phoenix chief of police. However, Officer McLamb began to see "problems" in law enforcement that eventually caused him to also become the "most fired" Phoenix police officer. "Most decorated" and "most fired" – quite a combination.

Since leaving the force, Mr. McLamb has worked nationally (especially with other police officers) and even internationally to promote patriot ideals, expose government corruption and stop the New World Order. Although Mr. McLamb is no longer part of the "official" police, he is more than ever a true member of a second "thin *blue line" of former police officers, military men, and garden-variety civilians dedicated to keeping this country safe.*

On May 20, 1996, Michael Ellis and I interviewed Mr. McLamb on the "Christian-Patriot Connection" radio program (KPBC, 770 AM, Dallas, Texas 8:00-10:00PM Monday nights):

Q: Your police career was ultimately derailed by your own awareness. At some point you began to understand things that weren't taught in the police academy or openly discussed within the profession. Give us an idea of what happened.

I entered the police academy in 1976 at a pretty late age. Most police academy cadets are 20 and 21 years of age, but I was 32 and knew immediately that some of the things we were told in the police academy were not correct. At the time, I was only perplexed because I didn't know about the real power brokers behind America's secret government. After being a military guy during Viet Nam and then being in business for several years, I just assumed that I could trust my government. But in the police academy, I began to hear things that made me believe that perhaps we weren't being trained to be servants and protectors of the people. It seemed to me like we were being trained to be *supervisors* and protectors of something called "the system".

What tipped you off?

Well, the police academy had officials come in to encourage and motivate the young candidates. They'd make statements like: "you are the thin blue line"; "without you, the people would totally destroy themselves"; "you can't trust the citizens out there, you can only trust fellow officers if you ever need help"; "you should keep to yourself and your fellow police officers because the citizens don't understand your stresses and your problems"; and "you're no longer a citizen, you're an entity of government raised on a level higher than the citizens to better supervise them for their own good."

As these statements were repeated, week after week after week, I saw the young fertile minds of these 20 and 21 year olds just beam as they became this "entity of government" that was placed on a "higher level" than the citizens. Many of these young people were still living at home, without any life experience whatsoever, but they were becoming an authority over all citizens. It was exciting for these young people, but it wasn't exciting for me, because I didn't understand what was going on. I had been a free person in society for 32 years and I didn't realize if it weren't for police officers, I would've gone into some kind of self-destruct mode as a private citizen.

That mind-set is typical of people who don't understand the American experiment in <u>self</u>-government – our nation's foundation. <u>Self</u>-discipline; if you broke a contract or damaged somebody you could expect that God would take it out of you and that the system could step in. But today we've got a whole different attitude, where people don't understand the Biblical principles of self-government and therefore think the only thing that keeps society together is force. There's so much doubt about our neighbors that we assume the only way we can keep them in line is with a club, and it's not true at all.

That's very true, and of course, I was a Christian man at that time, and that helped me quite a bit. I was a born again Christian and I was very troubled as I proceeded with my career, trying to do the best I could, even though within the first three years I'd won every award, almost every award possible. Some more than once, like Officer Of The Year, I won several years.

I just happened to be at the right place all the time at the right time and things went very, very well for me, but what troubled my heart as a Christian man and as a person who swore an oath to protect the people and their rights, I felt bad about some of the things I was asked to do. We were taught that we should rationalize that these things had to be done "for the good of society" — even if nights you don't sleep very well. You know, we were always given these one-liners like "one day you'll be asked to do things

you don't like to do, you won't want to do, but you *have* to do it as the 'thin blue line', because if you don't the nation will crumble." And so police officers kick your door in and just ravish your rights and sometimes your body. But it's amazing because those same officers are so patriotic and love their country so much, they'll give their lives tonight to save yours, and they don't even know who you are. So, they're not *bad* people. They're like me. I was brainwashed. I didn't know that I was doing things that I shouldn't be doing.

Was the police cadet curricula for Phoenix the same up in Tulsa, Oklahoma and maybe in San Diego, California? If so, is there a common denominator?

At the time, I believed it was just localized. I had no other knowledge. I was raised in a government brain laundry like most of us and we didn't receive the proper training to understand what made America great, so I couldn't figure it out. But about 5 or 8 years later, I realized that these think tanks in Washington, DC come up with programs to be tested in the various governmental systems -- such as police departments -- around the nation. We now know a centralized group of people were preparing our nation for a whole different type of political government — a global government. And their enforcers had to be willing to do things that they're told without asking any questions whatsoever.

Did the Phoenix city council understood how the police officers were being trained?

Many, many of our public officials for 20 years ago or more even, are of the globalist/ socialist bent. They believe in these ideas and I'm sure they know the direction we're heading, the various plans, years ahead of the time those plans will be implemented in our nation. I found that out when I went to Australia. Their "MP's" (what we would call our national legislators or congress) admit it. It's amazing. They're much more honest. They're Marxist, they're Socialists, they're globalists, and they so state. And they tell the people what they're doing for their own good. But here in America, be they city council members that are Marxist, Socialist, globalists or all three -- or humanists -- they don't tell you what they know the plan is. They just help implement the plan.

A bony little arm

So what was the first thing that really made you stand up?

I was nationally known for some of the crime fighting programs I'd created that with the help of the Sears Roebuck Foundation, so I was asked occasionally to speak in various parts of the state. This particular night, I was out at Sun City, Arizona, a retirement community. The wonderful folks out there (retirees) were being raped and robbed and bludgeoned as they walked about their homes or yards or out in the streets or driving around in their cars. And so they asked me to speak for an hour on crime prevention.

I didn't know it but sitting in the audience was a man that was going to change my life forever. I thought he'd been sleeping through my whole speech. He looked about 85 or 90 years of age. Very slight man. Almost emaciated, his bones showing through his arms and looked very sickly. When I finished up my speech, he was waiting for me.

The minute I opened it up for questions and answers his little bony arm went up in the air and I said "Yes, sir. What can I help you with?" I'd just done a talk on the law, the criminal justice system, and crime prevention programs, and the first thing he said was "sonny" — that's what he called me. I'm standing there in police uniform, my head's pretty big, cause I'm a real cool guy and I've won all these national and local awards, and he calls me "sonny". He brought me down a bit there and I said "yes, sir." He said, "Sonny, do you know the law?"

Well, what would you say to that? I said, "Well yes, I think I do, we can't know all the law 'cause it's changing all the time. Ask your question." And he said, "Do you take an oath?" I said, "Well, certainly I take an oath, it's a requirement." So he says, "What's in that oath?" And I said, "Well, my goodness, these are strange questions". But I took the oath when I was in the military during Viet Nam and I took it again as a police officer. So I said it goes something like this: that "we support and defend the Constitution of the United States, the peoples' rights or liberties, their property and their person as a police officer" and I said that's some of what's in it — I don't remember the rest. And he said "And you know the law, sonny?" (I said yes, but I'm getting a little concerned because I don't know where he's going. I didn't know he's drilling a hole and about to shove me in it.) He said "well then, sonny, can you tell me what the 6th Amendment to the Constitution is?"

There was silence in the room. Of course I had no idea and I said, "Sir, I can't answer that." He said, "what's the 10th Amendment?" And of course I didn't know. He said, "what's the -" and then he got into several I should have known since we had them in the police academy. But I was so frustrated ,when he asked me "What's the 5th?", I couldn't think of that one either because I was so embarrassed. Being an Irishman, my face was getting red. I started sweating and I finally just shut him down. I said, "Please sir, stop. I don't have any idea, I don't have any of the answers for you, please ask me about something that I spoke about tonight."

And he says "Sonny, I have one more question — *how can you protect my rights if you don't even know what they are?*"

I was absolutely devastated in front of this group because of one hardheaded old man. I thought he was sent there by the devil to "get me" and I resented it. I was griping to the Lord all the way home, "God, how could you let that evil man do those

things to me — I'm the good guy here and I shouldn't be treated that way!" But I missed the point entirely. I thought *he* was the problem and for a solid month I tried but couldn't get that old man out of my mind. God just kept wrestling with me until one morning, I woke up and I'd prayed that night to "please God, take this old man out of my mind, I feel anger, I feel bad towards him and I don't want to think about him any more."

That next morning you know what happened — I had the answer! The problem was *me*! I should've known my oath of office! How could I have sworn to it twice in my life and not even know what it means? So that little ol' guy . . . never found out who he was. Nobody even *knew* who he was! He changed my life forever.

It's not just that he changed your *life forever. By changing your life, he's changed thousands, tens of thousands, maybe hundreds of thousands of other lives based on the effect you've had since he changed you. That's a lesson in "leverage" for everyone about what one seemingly weak person can do if he's willing to stand up, raise his bony little arm and say "hey, sonny!"*

Parting is such sweet sorrow

How did you separate from the police department, Jack?

I was injured in the line of duty, but before that I also received the dubious honor of being the "most fired" officer in the history of Phoenix, Arizona. When I began to discover my oath of office and began to discover that I needed to say No to some of the things I was being asked to do, I came under heavy persecution as I began to speak out against things that were immoral, unlawful — and this deadly code of silence that we're taught in law enforcement across the country to cover for those that are corrupt and immoral and even committing capital crimes against the American people

Dial 911 for murder?

When you say "capital crimes", are you talking about murder?

Absolutely. Murder, and cover-ups of murder.

Are you are suggesting that there are police officers in this country who are committing murder and getting away with it?

Oh, absolutely and we have the evidence to show that, but it doesn't seem like anybody in the world out there wants to know about it. Every time we do an interview with our national press, we bring up all the homicides that have been committed, all the "suicides" and over 35 deaths we can document surrounding the *Clinton's* in the last 3.5 years.

There are approximately 35 close associates of Bill Clinton who have been murdered, committed "suicide" or otherwise died under mysterious circumstances in a relatively short period of time? The last time we saw a statistical aberration like that, was when large numbers of people who had any relationship to the Kennedy assassination started mysteriously dying in complete defiance of actuarial statistics.

Yes.

Ruby Ridge, Waco, & Montana

Jack, I understand you've been up to Montana to take a look at the Freemen.

Colonel Bo Gritz and I were blessed to be the negotiators for Randy Weaver and Kevin Harris at the Ruby Ridge standoff. With God's blessing we were able to get the remaining members of the family out alive. Then in Waco, we were told by the FBI *three times* that we'd be called in to try to do the same thing if they ran out of ideas or if communications broke. They told us *three times* to stay pat, we'll call you just as soon as we need you. It was a lie. We didn't know it, so I sat and believed the government would call us in because they knew we had been able to help resolve the Weaver situation. But Bo and I finally decided to go to Waco on our own because we began to believe we were being kept away on purpose. Of course, that was the morning of the fire. So we made a pact that we would never sit by and let another group of Americans perish because we didn't at least try.

So in Montana, we had no idea if we could do any good but after a week of no communications we knew it would be getting very dangerous up there, so Colonel Bo Gritz and I went up under our own volition and tried for three days to get in, and we finally did. And so we spent 4.5 days with the Freemen inside the ranch house, accomplished 14 goals — 14 goals that the Feds needed to accomplish — find out who these people were, find out if they were violence prone — which they're not — find out if they're ready for war, if they have grenades and everything. Of course, the Freemen wanted the government to know "no, we're not here to attack anybody, we're here just to defend our beliefs and our homestead".

We had hoped to bring out Gloria and her two little daughters and Steve and his two sons. But the fourth morning we went in to get them, the state assistant attorney general Connors and state representative Owes went in and kind of cut our legs out from under us. They told the Freemen that they had nothing to fear from the Feds and they had all the time they want to make a decision on coming out. When we went in that afternoon, after the state officials came out, we walked into the ranch house and they said, "We've won! We've won!" And we said, "What did you win?" They said, well, the state representative said we don't have to worry about the Feds, that they would be able to try their case before the state legislature. Of course, Bo and I'd been there to tell them they truly *did* have something to fear from the Feds, so we looked at each and knew that something was wrong, 'cause none of what they were telling us was true. We went out that day feeling pretty bad because we asked Gloria and her daughters to come out and the others and they said, "no, we've won! we've won!"

We went back to the FBI — some very good agents there on the ground — Duffy, Gary Nosener and Greg Rampton, who were trying very hard — they're the FBI hostage *negotiators*, they're not the killers, they're not the Hostage Rescue Team that was at Waco and Ruby Ridge. The Hostage Rescue Team -- which is not what they do at all, as we found out at Ruby Ridge and Waco -- is a military unit whose job is to destroy targets and they it do very well. But luckily we were working with the hostage negotiators and they really were thrilled. They told us we'd gave 150% but we felt real bad because we just — we lost. Those people were still in there and the state has not helped them a bit and they're still under very serious risk and so we need a lot of prayer for that situation. Bo and I don't know what to do next but just to pray that *somebody* will know what to do next.

Do you have any idea how long this might continue?

I really don't. What we know for sure is that Louis Freeh and Butch Reno could wake up any morning with a bad hair day and it'll be all over. When that comes, when the order is given, the hostage negotiators will be pulled out and the hostage supposedly "rescue team" will go in there and it'll be over in a matter of minutes.

Can you give a feel for how the Freemen were set up and so forth?

They're very kind and good people, as you can imagine — they're patriots. They love this country, they love God . . . for the most part. There's two or three or maybe four kinda ornery guys in there whose heart may not be as totally in the patriot freedom movement as it is in the money that they made from this Leroy Schweitzer [comptroller warrant] program.

But the farmers and the ranchers and the majority of the 21 people that were in

there when we left, are good Christian Americans. They love this country and they're standing on the issues. The issue is the Federal Reserve fraud system needs to be exposed and they have a method that they've used to expose it — and I agree that I'm not sure I would have used the same methods, but basically, their beliefs are *right* on target. It is a fraudulent Federal Reserve system. They do have a possibility of exposing it through their deaths or if they're able to get to an unbiased arbitrator — which the government will try to prevent — to hear their evidence.

However, we should write to FBI Director Louie Freeh and U.S Attorney General Reno and thank them for keeping this thing nonviolent.

Freedom isn't free

Has there been a personal cost to your study of law?

Well, I haven't lost as much as the dear brothers and sisters at Ruby Ridge or Waco, but I lost two wives. I had a wonderful wife who went through a portion of it and got scared off by the federal government. I started a publication called *Aid and Abet Police Newsletter: Constitutional Issues for Lawmen.* My wife was actually scared almost to death. She thought for sure that she was going to prison, I was going to prison, or we'd be killed, and so I lost that wife and I remarried a few years later and same thing happened. I was fired twice, embarrassed terribly because once a police officer is fired you have a stigma that you can never get rid of. I was followed for 9 months night and day in and out of city, anywhere I'd go, by a sergeant that was paid $45,000 a year. Back then, that was a lot of money to do nothing but follow me, build a case against me, and try to get rid of me -- because they could not stand to have the officers thinking about their oaths, who they took it *to* and *who* they actually served.

I continued to win awards for solving the most crimes, burglaries, arsons and so forth, but the police department didn't want to give them to me. So they called me in one day and told me they could fire me for insubordination for disobeying a direct order and then asked me to turn in all the police officer's names and addresses around the country that were on my newsletter's mailing list. Of course, I refused under the 1st Amendment, saying I had a right to associate. They fired me that day for insubordination.

It's interesting if God is in control — and God indeed is in control — who your helpers will be. God can use even the most evil people to do his will. I'm not saying that about our civil service board in the City of Phoenix, but our civil service board was absolutely socialist and liberal to the hilt — the head of it was the head of the Arizona Bar Association — and they came to my rescue and said I had an absolute 1st Amendment right and I did not have to hand in that list and put me back to work with full back pay. So when God's in control you'd be surprised how you can get help from areas you would never suspect.

I was fired a second time for the same reasons. But this time I was injured in the line of duty and was off with some serious injuries for about a month and was recovering when they fired me for having a "poor work record". Of course, the civil service board called me back in and told the department it was a vendetta against me and they were returning me with full back pay again. That next month I won "officer of the month" again and the department didn't know what to do because they were trying to show I was a bad officer. It was tough, but then the federal guys became involved and put me under criminal investigation several times and tried to get indictments against me for anything. They couldn't find anything. Then in '87, when I took 12 officers to Arkansas to reinvestigate the deaths of Sheriff Gene Matthews and Gordon Kaul, we actually found out they were *executions by federal officers.* Two months after I got back to Phoenix, Arizona, the IRS knocked on the door and said I owed them $50,000 and tried to take my property.

So it's not easy to stand up, but the thing is, it's worth it -- if God's in control and you know you're doing what the Lord would have you to do. Folks need to know that God will always be there for you and my life is happy and successful. Not monetarily. I'm living on my police pension, but it's good because I'm in the fight, I know I can stand before the Lord and though I make mistakes all the time and I'm still a sinner, I can stand up and hope and pray He'll say "good and faithful servant."

Amen.

To get a copy of Jack McLamb's "Aid and Abet Newsletter", or to subscribe, call after 10 o'clock any day in the morning, Pacific time, 602-237-2533.

There's one question that every police officer should ask himself. The policeman's motto is, "We serve and protect", but "WHO do 'We serve and protect'?" The People? Or the government? Not one police officer should be armed or allowed on the street before he answers that question in his own mind and remembers "We serve and protect – the People".

A Former Texas Ranger Says:

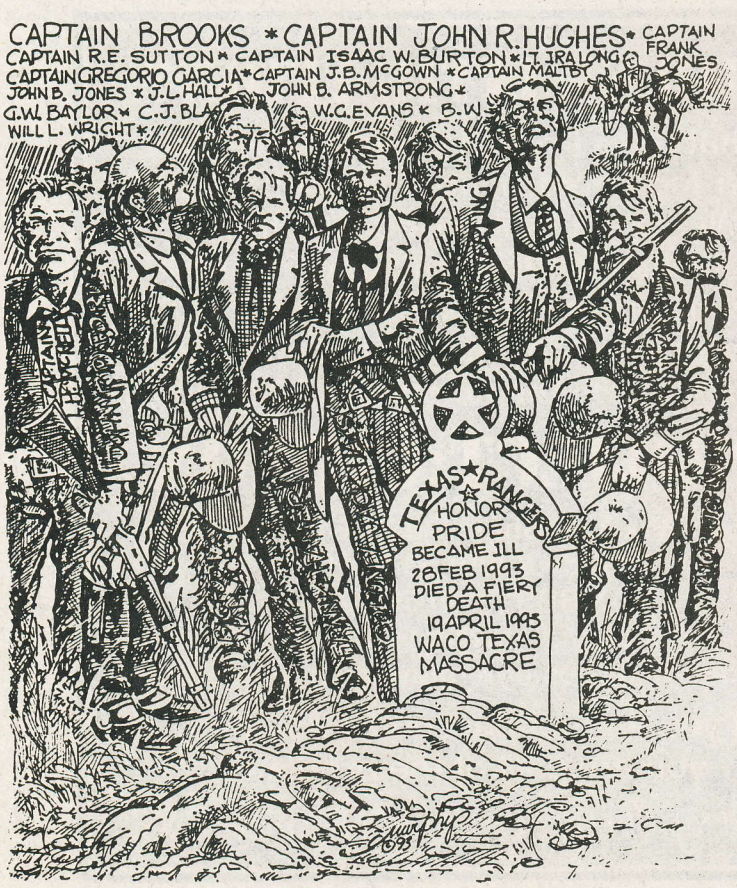
STOP THE INSANE DRUG WAR

by Colonel R. F. Mason (copyright 1995)

Here's another member of the "Second Thin Blue Line": Lewis Rigler -- a highly respected, retired Texas Ranger, now living in Gainsville, Texas, with more years of service than any Texas Ranger still living.

When our earliest patriots put their reputations, lives, families and fortunes on the line to declare for liberty or death few may have thought that future generations would have to continue the Revolution on a daily basis. We who find those liberties being chipped away now realize that, as any valuable commodity, our freedoms are perishable.

Throughout our history, a major threat has paradoxically come from moralists who deem it their duty to not only decide what is good for themselves, but for everybody else too. Liberty is threatened when we go beyond making laws that protect people from people to protecting people from themselves. The late former President Harry Truman touched on this when he said, "The Prohibition Amendment was a big mistake, shouldn't have been passed in the first place and couldn't be enforced. But there are always people with a certain kind of mind who say that you've got to violate the Constitution or Bill of Rights or both in some way or another to make sure some new law works or take care of some new threat. I always thought the democratic system can survive any threat (without such laws)."



For the past thirty years or so our government has engaged in another form of prohibition in fighting a deadly drug war. The cost has been terrific. We have seen illegal drugs grow to be what law enforcement chiefs say is this nation's third largest industry. Innocent people, both civilians and peace officers, are killed daily and still the problem grows. Many law enforcement officials have privately said for years the drug war is a mistake, but their job is to enforce the law and not comment publicly on its merit. Now a highly respected retired Texas Ranger has come out swinging.

I first met Lewis Rigler while researching a history of the Texas Rangers. During the interview we recalled the days of Prohibition and Rigler jolted me to the realization of how it never ended. "You couldn't enforce the liquor laws," he told me, "now they have it where it's legal an' it's still a drug. It still probably causes more deaths from people drinkin' it an' runnin' over people. But yet it's legal and so you've stopped puttin' people in jail. Now then you've filled up the jails with people sellin' cocaine an' marijuana, an' when you put one guy in jail two more take his place. As long as the money's there it ain't gonna stop."

I took a double-check to be sure my recorder was getting all this. Here was Lewis Rigler speaking; a highly respected career lawman retired from this state's oldest and most revered constabulary, the Texas Rangers. Not a wild fringe reformer with some share to plow. Did I hear right? Was he really advocating the legalization of drugs?

"That is the only way to stop it," he said, and then proceeded to tell me a story: "I saw it in Oklahoma and a lot of dry counties in Texas. It was so crooked in Oklahoma I dared not go to most counties in

Oklahoma unless I had a person from the Oklahoma Crime Bureau with me because they (the moonshiners) controlled the sheriffs, they controlled everybody. In dry counties in Texas they (the moonshiners) just heaved money on everybody who's runnin' for sheriff an' everybody who's runnin' for county attorney. They, in effect, had control in a lot of the counties. They hauled that whiskey out of there all over Texas and Oklahoma. It was somethin' to see, I'll tell ya. The only way to control it was to make it legal. There was no other way."

"Ya see, marijuana is different from whiskey. You can grow that stuff. It's not like whiskey (where) ya had to have a still an' it made smoke an' was a lot of trouble. An' just think how much cocaine you can import. Used to be if you imported a gallon of whiskey, maybe it'd weigh eight pounds. You take eight pounds cocaine and it'll be worth ten/twenty thousand times more than a gallon of whiskey. You're not gonna stop it. No way. You tell somebody somthin's against the law an immediately it goes haywire."

At age 82 Lewis Rigler is a Ranger icon. Having served under "Lone Wolf" Gonzalus he hardened his hide with the likes of Frank Hamer, the Ranger who brought in Bonnie and Clyde. The accounts of his bravery under fire are so chilling movie scripts seem pale. He, along with one other Ranger, cleaned up all illegal gambling in Galveston during the 1950's. And when John Kennedy was shot down in Dallas he was part of the state's contribution to the Presidential guard. That may be where he learned a disdain for the Secret Service.

"I worked with a few good Federal Government people. Not a whole lot, but a few. I've had some bad experiences with them," Rigler told me, "mostly in the later years. Poorly trained. It seems to me they're all getting the trainin' from the same area, they don't know how to treat people. They don't have good, common sense. They run over people. They don't do their background. In the first place a lot of them don't have enough sense to be a peace officer." Rigler went on to say a peace officer ought to be polite and not arrogant. Then he lashed out at the Internal Revenue Service, saying "the enforcement arm of the IRS, bad news!" But retired Texas Ranger Lewis Rigler saved his harshest criticism for the ATF at Waco.

"I think it (Waco) was one of the most poorly handled things I ever saw. If they'd left it up to the local Rangers and the local sheriff down there, they'd got it settled," Rigler said he would have been willing to do it himself had they let him. "The first thing I'da done is pulled everybody off but four squad cars and have 'em just work out around there. He's gonna leave sooner or later. What would it cost? All you'd need is twenty men and four cars."

Instead, said Rigler, the ATF just barged right in and messed things up without checking with the local authorities as is often their style in many communities. "It was asinine to think that they would operate in that manner. And they didn't understand Koresh. That was his glorious way to go out. After they (ATF) got into trouble the FBI got suckered into taking their deal over."

During his long career Ranger Rigler has, many times, had to face down hostile gunmen. At times he, himself, was unarmed. During our interview I learned he was most proud at never having had the occasion to take another person's life. That may explain way he seemed so passionately upset with law enforcement actions at Waco. "An officer starts out in life," Rigler sighed, "an' he doesn't have in his mind, if he's a good officer, he's gonna take anybody's life. As older a man gets, the more he thinks about a life that he took and he will say could I have done something different? Could I have done something different?' And down there you take all those lives and you take the children, and the people who were in charge could have done something different. I think if you'd peel them off before their time in this world is over with, they'll say 'we could have done something different.'"

Rigler said he didn't hold with what Koresh was or did, but he was only one man. The government had the misdeeds of many men. "Here you got people brought in that had no idea," said Rigler, "had no idea at all, about what it'd take and had no idea of what the final deal'd be if you started knockin' down the building. They were wrong. There is no question. They committed *murder*."

Government anointed thugs may continue to operate in the ATF, IRS, FBI and DEA, but those of us who clearly see the daily loss of sacred liberties must no longer play the harbinger's fool. We must have the courage to speak out. Another thing Harry Truman said was that "if the people can't trust their government, the people in their government, the whole works will fall apart."

We can start by putting the DEA out of business and demanding an end to the drug war. Stop wrecking people's lives . . . legalize.

Colonel Mason is an author, lecturer and free-lance writer/ radio/ television talent who lives in Denton County, Texas.

A Tale Of Two Cities

by Norman Fulcher and Sheila Moak

After eleven years of serving as a Texas State Trooper, Norm Fulcher recently retired. Sheila Moak is the first female member of the Wyoming State Police -- also retired. Having used radar to issue speeding tickets for years, they know how radar works and why it often fails. Together, they've written the single best book currently available on how to avoid convictions for radar-based speeding tickets.

Mr. Fulcher spoke at our Citizens For Legal Reform meetings on several occasions -- initially, while he was still employed as a State Trooper. Last time he spoke, he thanked the group for their support and insight into traffic laws (the group's participation helped expand his book by almost 100 pages). But he also thanked us for helping him find the courage to challenge the system and resign as a State Trooper. That's the kind of results that I love to see. Our group helped Mr. Fulcher to see, to challenge, to resign, to write, and to publish.

OK, so what? We got one State Trooper to quit the system?

Nooo. We helped accomplish much more than that. For example, the majority of people currently buying Norm and Sheila's book are lawyers *and* police officers *(one sheriff ordered enough books for all his deputies). Quite a testimonial. The lawyers want the books to help their clients beat speeding tickets, but the police want the book to learn how the law should be lawfully enforced.*

Why should police insist they be properly, lawfully trained? Because it just might save their lives. When God said, "My people perish for lack of knowledge", he was talking about police officers, too. According to Norm Fulcher, traffic law enforcement is more dangerous to police officers than domestic dispute calls. Police are being killed while they (unknowingly) enforce traffic laws unlawfully. But if traffic laws were only enforced lawfully, it would reduce both the number of tickets issued and the number of traffic stops in which police officers might get shot alongside the road. I suspect a lot of cops would welcome evidence and arguments that helps minimize the number of tickets they have to write. And that means they're in favor of legal reform.

Further, when police begin to understand their lives are being intentionally jeopardized by their employers simply to raise revenue in an unlawful manner, a lot of 'em will start to question the entire police training procedure. And a lot of 'em will start to reconsider the "patriot" traffic ticket arguments with renewed respect.

Citizens For Legal Reform has helped build a bridge into the law enforcement community. We helped Norm Fulcher to "see", and now he's helping police officers across the U.S.A. to also "see".

Net result? There'll be less tickets issued, more criminals caught . . . that's all to the good. Citizens for Legal Reform: We knock down walls, build bridges, and unite people with knowledge.

Sheila Moak's and Norm Fulcher's book also builds bridges between common people and police officers. Once we begin to see the police aren't our enemies and the police surrender their "siege mentality" to see us as their friends, we can stop fighting among ourselves and begin to go after the real bad guys, the fight promoters -- the ones who profit from injustice.

Here's a sample of Norm and Sheila's insight into traffic law enforcement.

In 1985, I graduated from the Texas Department of Public Safety, Highway Patrol Academy bringing to fruition my goal to become a Texas State Trooper. It was an eventful day ending with a call from my uncle congratulating me on my achievements. "Well, you made it." He said. "Now you are an official revenue collector for the State of Texas."

"No." I replied. After six months of indoctrination, I easily quoted the DPS manual. "A State Trooper's objective is to secure substantial compliance with the traffic laws by all users of the streets and highways."

"Keep spouting the rhetoric, kid. You'll be writing tickets. All you are is a glorified revenue collector." He retorted.

Relying again on the manual, I responded, "Writing tickets has nothing to do with money. In fact, traffic supervision by police is aimed at expediting the flow of traffic with a high degree of safety; blind adherence to the letter of the law when it conflicts with this principle should be avoided." I had learned my lessons well. I could quote the manual verbatim. My uncle simply laughed and said, "Looks like you still have a lot to learn about the facts of life."

Eleven years and a lot of miles later, I'm no longer naive or credulous. I now understand that traffic tickets are written for fiscal gains and not the noble cause of saving lives. Too bad we spent so much time at the academy on policies and not enough on the specifics of the law.

However, more things were happening in 1985 than just my graduation. For example, both Dallas and Houston were attempting to cut their budgets to mollify the public. It was suggested by the city council on May 21, 1986, that all Dallas city employees sustain a one

percent pay cut effective on the next pay period. Needless to say, city employees were extremely distressed but powerless to do anything about it.

The Dallas Police Officers waged an unofficial protest. In a clandestine maneuver, individual officers deliberately issued fewer traffic tickets. It was not a work slowdown. In fact, the officers made more *felony* arrests because they emphasized crime suppression instead of traffic supervision.

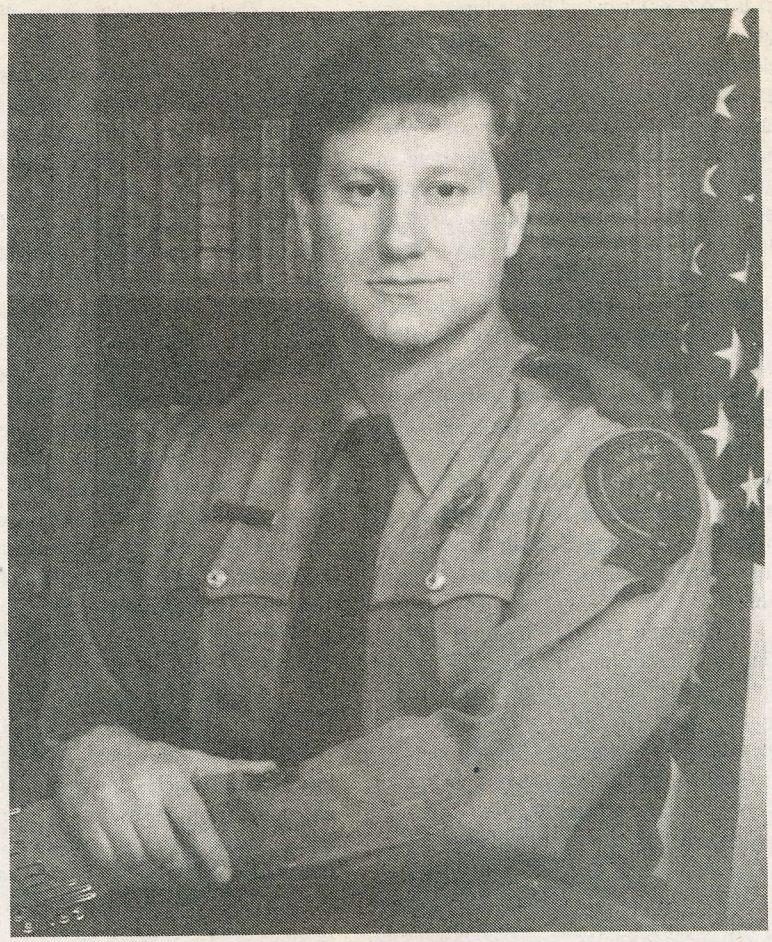
Dallas city officials were not pleased. Even though the officers were stopping crime, they were not producing revenue. There was a crisis at hand. Police traffic citations dropped by 45 percent between June 1 and June 23, 1986. That equated a loss to the city of $500,000 in revenue per month or $6 million per year! The 1 percent pay cut was designed to save the city just $1.2 million that year. It doesn't take a math genius to show the city could not afford to win this fight.

Negotiations between the Dallas police and city council led to a truce. On June 25, Mayor Starke Taylor stated, "I believe the Dallas Police Officers will stop the slow down. They made their point." A reconciliation was achieved.

About the same time Dallas was having problems, Houston was faced a similar dilemma. Houston cut the police department budget by 3 percent. The ensuing pay cuts resulted in morale problems. Somewhere along the way, the officers decided to issue *more* citations. In September 1986, officers issued 74,378 tickets; compared to the year before when 31,437 citations were recorded. There was a 43 percent increase. How did this help the officers? According to Tommy Britt of the Houston Police Patrolman's Union, "The surge of ticket writing is filling the financial gap for officers. If you increase arrests and traffic stops, their subpoenas to court will increase. If you go to court in your off duty time, it's more money in your pocket." Officers were compensating for the 3 percent pay cut with more court overtime.

In the early 1980's homicides were a common occurrence in Houston. Police department administrator B.K Johnson decided to respond to the problem by eliminating the traffic division and reassigning officers to other areas. As a result, the number of felony arrests increased to an average of 132 felony arrests per Houston police officer and the homicide rate dropped.

However, during the traffic ticket surge, there was a cause and effect: revenue increased, but felony arrests declined to 67 per officer. In addition, the excessive



ticket writing created an overburdened court system. By the end of 1986, Houston traffic courts faced 700,000 unresolved citations. The overwhelmed courts, unable to process the paperwork, dismissed 25 percent of the pending cases.

Facing another budget problem in 1987, Houston Mayor Kathy Whitmire and the Police Administration changed tactics. The traffic division was reinstated. In a supposedly unrelated move, additional personnel were hired by the municipal courts. The official reason was "to get a handle on fatality accidents." However, records show that in 1981 there were 422 fatal accidents in the Houston area; by 1985 accidents had dropped to 235 and were continuing to dwindle. So why was additional manpower needed to handle a substantial *decrease* in accidents? Considering the same people handle the paperwork for accidents that handle the paperwork for traffic citations, in reality, wasn't the increase made to deal with the reinstated traffic division? In six months, the new traffic division collected $1.8 million in revenue. With enhanced traffic ticket enforcement, Mayor Whitmire avoided a budget crisis.

Have things changed in the last decade? Yes and no. Complaints by constituents in 1989 forced Texas legislators to pass a law limiting the revenue a city can generate from traffic tickets to 30 % of their annual budget. This was quickly circumvented by the court system with the introduction of "deferred adjudication". Under this procedure, violators are allowed to pay the court costs equivalent to the traffic fine in return for the matter being left off their driving record. The money collected from deferred adjudication goes into the city funds and the driver avoids a citation being reported to his insurance company. I'll scratch your back. You scratch mine.

Even small towns are using big city methods. A recent report in the *Houston Chronicle* outlined the budget status of Estelline, a Texas panhandle town with a population of 194 and only one patrol officer. The annual working city budget for 1993 was $175,000. Of that amount, $150,000 was collected from speeding fines. Eighty-six percent of the budget came from tickets. This exceeds the 30 % legal limit by a "mere" *56 %*.

Traffic tickets are so lucrative that even Dallas Constables are getting into the act. It is my understanding the historic duties of a constable were to serve warrants and subpoenas. However, according to the

Texas Code of Criminal Procedures, a constable is a peace officer with the power and authority of any other officer. In light of this, Dallas equipped the constables with radar units to assist in generating revenue. The city invested $167,000 to generate an expected return of $333,220 in fines generated annually. I'd like to get that kind of return on my investments.

An increase in citations is an increase in revenue, but it is also interesting to note this increase may be at the cost of mistakes made by radar. According to the National Highway Traffic Safety Administration and the National Bureau of Standards radar can err 10% of the time. Some experts estimate the rate of error to be as high as 25%. So not only are revenues increased, much of the money is coming from incorrect citations. Often, the tickets are not even legitimate.

What's the answer? Right or wrong, traffic citations are not going away. The best solution I can think of is to fight speeding citations in court. In 1987 the Houston court system was so overwhelmed, it was forced to dismiss citations. Statistics show only one in fifty people contest their citations. If we use the established court system and keep officers tied up in court, eventually policies and procedures will have to change. The status quo will become too costly to be maintained.

The need for money in all municipalities is a constant fact of life. Revenue from speeding tickets is an easy way to obtain money without increasing taxes. Some states deal with the problem in a unique and perhaps more honest manner. Per the Wyoming Constitution, all fines from speeding tickets written by the Highway Patrol or any other state agency are put into a state wide education fund. This fund pays for new schools, books and extracurricular activities. Cities and counties are not burdened with budget needs for education. None of this money is allocated for Patrol use. Tickets have no bearing on salaries, schedules or equipment. The revenue collected from speeding enforcement goes to the children of the state. There is no cause and effect, no hand in the cookie jar. Since education is given a secured top priority, legislators are then able to distribute general state funds in other needed areas, including the highway patrol.

Of course, I am not advocating the elimination of traffic enforcement. I have too much first hand knowledge of how excessive speed can kill people. I'm simply stating there should be a shift of priorities. I believe the public would prefer an emphasis on crime control and public safety. I have no doubt the majority of officers would prefer making felony arrests over traffic control.

Police administrations defend policies with the argument that routine traffic stops often result in felony arrests on outstanding warrants. There is some truth to this, however, current tactics are only catching 10% of the criminals. Maybe it's time to change tactics.

In conclusion, in 1995, 1.5 million speeding tickets were issued in Texas. Were all of these people driving in an unsafe manner? I doubt it. The bottom line is traffic tickets are big business. Both Dallas and Houston cases prove this point. Traffic tickets have evolved into a kind of road use tax. The only way to change this is through education. Traffic tickets can be successfully contested. Methods of contesting tickets will be addressed in upcoming issues of the *AntiShyster*.

Former state police officers Norm Fulcher and Sheila Moak co-authored "No Limits – Fighting Speeding Tickets", which is available for $19.95 from Mariah Enterprises, POB 855, Azle, Tex. 76098, or call 1-800-639-6851. The AntiShyster *recommends their book as the best nuts-and-bolts defense against speeding tickets currently available.*

City vs. County Prosecutors

by Michael Ellis

This is the second in a series of articles focusing on the Texas Municipal Court system. Although the location is Texas, the underlying research and the resultant understanding of constitutional principles, may help legal reform activists in other states to analyze, diagnose and then fix similar unconstitutional defects in their state's local court systems.

The purpose of the series is four-fold:

1) To publicize institutionalized violations of law by Texas Municipal Courts;

2) To educate laymen to gain reversals "on Appeal", setting precedent for "Muni-court" reform;

3) To restore this court system to its original purpose: delivering justice to the oppressed rather than the unlawful generation of revenue for the government at the expense of the people; and

4) To discourage folks from challenging the authority of traffic police on the street -- they are big, armed, and nearly incapable of agreeing with you even if you're right. However, with proper study, you can find a host of soft, vulnerable "little men behind the curtain" in the municipal courts who are the proper targets for your urge to litigate.

Base on our recent studies, it appears that not one dollar should be paid in a Texas municipal court traffic action -- until a *county* prosecutor shows up. Consider:

* Article V, sec. 21 of the Texas Constitution reads: "*County* attorneys *shall* represent the state in *all* district and *inferior* courts in their county . . . ." [emph. add.]

* The word "shall" is defined by *Black's Law Dictionary* (4th Ed.) thus: "As used in statutes, contracts, or the like, this word is generally imperative or mandatory."

* The word "inferior" refers to all courts below the grade of "district". Like Justice of the Peace courts, Texas municipal courts are also "inferior courts".

* Municipal courts have "criminal" jurisdiction over city ordinances and certain low-level violations of state law called "misdemeanors".

* Traffic tickets are such misdemeanors and are prosecuted in municipal courts "in the name and by the authority of the State of Texas". *That is, the prosecutor represents the "State of Texas" against an alleged "accused", who after being properly charged becomes a "defendant".*

As in all States, the Texas Constitution is superior to State statutes and, in this case, explicit. Thus, we should reasonably expect that all prosecutions in municipal (i.e., "inferior") courts "in the name of the State of Texas" *shall* be prosecuted by *County* attorneys (who, incidentally, are *elected* by the *people*).

Contrary to our expectations, however, in virtually every Texas Municipal Court, traffic tickets are prosecuted by a *city's civil* attorneys who are *appointed* by the local city council (not elected by the people). Clearly, attorneys appointed to defend some corporation in civil lawsuits are not automatically vested with authority to prosecute criminals "in the name and by authority of the State of Texas" in the State's municipal courts.

Legal genesis

To understand the unlawful prosecution of criminal misdemeanors by a city's civil attorneys, we must first consider the "Corporation Court Act" of 1899, which created all Texas Municipal Courts. In section 8 of that Act, we find a remarkable phrase hidden in a paragraph otherwise dealing with styling/wording of the new court's paperwork: ". . . all prosecutions in such court *shall* be conducted by the *city* attorney of such city, town, or village, or by his deputy; but the *county* attorney of the county in which said city, town or village is situated *may*(!), if he so desires, also represent the State of Texas in such prosecutions, but in all such cases the said county attorney *shall not be entitled to receive any fees or other compensation whatever...*"!

Obviously, if they won't be paid, *county* attorneys are not likely to show up to prosecute in municipal courts. However, the Corporation Court Act attempts to mandate that "all prosecutions in such courts *shall* be conducted by the *city* attorney".

So, when you are accused of violating a *State* law (like not fastening your seat belt, not having a driver's license or insurance), who shall represent the State in the prosecution? The *city* attorney or the *county* attorney?

The Texas Constitution is superior to every Texas law ever enacted by the legislature and it *mandates*: "*County* attorneys *shall* represent the state in all district and inferior courts in their county . . . ." If the People use their constitution to command the *county* attorney to represent the State, then milkmen, plumbers, housewives - or even *city* attorneys - shall ***not*** "represent the State". The Texas Constitution "controls" and can never be amended by the legislature via statute, (as the Corporation Court Act attempts to do). Only by direct vote of the people themselves can the constitution be changed. That portion of the 1899 Corporation Court Act, as well as the current

derivatives (Chapter 45 of the Code of Criminal Procedures and Chapter 30 of the Government Code) which attempt to authorize corporate civil attorneys to represent the State of Texas in criminal cases are, therefore, unlawful.

Is there Legal Precedent?

Next, review the 1987 case of *Meshall v. State,* (739 S.W.2d, 246): "Having been granted the *exclusive* right [by the Texas Constitution] within the Judicial Department to represent the State in District and inferior courts, the *county* attorney is protected from legislative encroachment on his prosecutorial discretion by the separation of powers doctrine". [Insertion and emph. add.]

Clearly, the courts have already held the legislative department of government may not pass a statute (like the Corporation Court Act) which carves a portion of the county attorney's exclusive authority and gives it to others. (The argument the court relied upon to reach this conclusion was founded, of course on Art II of the Texas Constitution which mandates the eternal separation of "The Powers of Government". One branch of Government may not interpose to amend the constitutionally required duties of another branch.)

The Coup de Grace

American Jurisprudence II provides a fitting commentary on the subject of legislative lawlessness:

"Since an unconstitutional statute is VOID from inception not merely from the date of a decision branding it so, the general principals follow: it imposes no duty [on a city attorney!], it creates no office, it confers no right, it bestows no authority or power on anyone, it *provides no protection,* and it justifies no acts performed".

And further: "It is said ignorance of the law is no excuse. Anyone acting under authority of a void statute does so *at his peril and must take the consequences*"! [emph. add.]

The Tough Question

Since 1899, why haven't the Texas City Attorneys sought to amend the Texas Constitution to gain lawful power and authority to prosecute in behalf of the State of Texas? Perhaps the city attorneys saw no urgency to *lawfully* acquire what they already exercised illegally. Why alert the people and allow them to decide for or *against* a constitutional amendment that might end the unlawful city attorney/ municipal court scheme? Moreover, to seek an amendment today would implicitly concede that city attorneys have been profiting from their illegal enforcement of state laws in municipal courts *for nearly 100 years!*

Some may object that perhaps no one had ever noticed this violation before. Unfortunately for this view, however, Chapter 29 of the carefully crafted Texas Government Code of 1985 entitled "Municipal Courts" underscores a widespread knowledge of the scam. Here we find the office of "Judge" and "Clerk" defined, but a prosecuting attorney is conspicuously *absent* from the list of authorized municipal court personnel. How could these bogus prosecutors avoid even being mentioned in the very statutes defining all other aspects of the court, unless they had exercised some considerable influence in very high places? This silence is truly deafening . . . .

According to data compiled by the Texas Justice Council in conjunction with the Office of the Secretary of State, over 80% of Texas city prosecutors fail to take or file any oath of office to uphold the laws of this State, but nevertheless pretend to represent the State of Texas. Claiming to be mere "employees" of the city (thus avoiding the nagging questions about oaths and bonds required of actual "officers"), but prosecuting alleged criminals "in the name and by the authority of the State" *totally without authority* must, at least temporarily, discomfit any new city attorney with any vestige of conscience left after graduation from Lie School. Apparently, they quickly get over their qualms (if any) when the old time judges and prosecutors assure them "that's the way it's done around here."

Unfortunately, that's not the way it's done *lawfully.*

What Difference Does It Make?

Does it make a difference whether we have lawful county attorneys as prosecutors in a municipal court? YES! Consider this: *All* other prosecuting attorneys *except* municipal court city attorneys take an oath to uphold the Constitution and laws of Texas, and are thus properly qualified to bring the power of the *People* into the courtroom. More importantly, all other prosecuting attorneys -- *except* the bogus, municipal court attorneys -- are charged by law "with the primary duty *not to convict* but *to see justice done.* They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused." (Tex. Code of Crim. Proc. Sect 2.01)

Without lawful constitutional authority or personal oath to bind them, today's city civil litigators are charged by their corporate employers with the primary duty to *convict* (not see justice done) in order to secure maximum revenue under the color of law in a municipal court. They work in tandem with their co-appointees (the municipal judges) to harvest money from unsuspecting travelers and helpless "locals" for their own financial benefit and that of their employer/ corporation.

As "it is the responsibility of the People to keep the government from falling into error" we must all do our part to insure that instead of the hopeless lawlessness of the municipal court revenue-raising farce, local courts **SHALL** soon return to the only legitimate function of government - "delivering Justice to the oppressed".

Michael Ellis is President of The Texas Justice Council, a Dallas-based legal reform organization. Michael is currently preparing a videotape to expose a multitude of municipal court violations of law. The video should be available in late July, 1996. For more information, call 214-839-7202.

Next issue: "Municipal Mayhem III, the 'Court of Record' Scam" Don't miss it!

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What Are Governments To Do?

by Leo Tolstoy

Here's an excerpt from "The Kingdom Of God Is Within You", by Leo Tolstoy. Writing in 1894, Tolstoy described the conflict between the authoritarian government of Russia's Czars and Christianity, but also illustrated the natural antagonism that all governments must feel for Christianity. As you read, consider the "incidents" at Ruby Creek , Waco, and Montana.

Every government knows how to defend itself from revolutionists, has resources for doing so, and therefore does not dread these external foes. But what are governments to do against men who show the uselessness, superfluousness, and perniciousness of all governments, and who do not contend against them but simply do not need them, do without them, and therefore are unwilling to take any part in them?

The socialists, the communists, the anarchists, with their bombs and riots and revolutions, are not nearly so dreaded by governments as these disconnected individuals . . . all justifying their noncompliance on the grounds of the same [Christian] religion, which is known to all the world.

The revolutionists say: The form of government is bad; we must overturn it and substitute this or that form of government.

The Christian says: I know nothing about the form of government, nor whether it is good or bad. I don't want to overturn it precisely because I don't know whether it's good or bad -- but for the very same reason, I don't want to support it either. I not only don't want to, but I can't because its demands are against my conscience.

All state obligations are against the conscience of a Christian; the oath of allegiance, taxes, law proceedings, and military service. And the whole power of the government rests on these very obligations. Revolutionary enemies attack the government from without. Christianity does not attack at all -- but from within, it destroys the foundations on which government rests.

Thus Christians refuse the voluntary payment of taxes, since taxes are spent on deeds of violence — on the pay of men of violence — soldiers, on the construction of prisons, fortresses, and cannons. Christians regard it as sinful and immoral to have any hand in such deeds.

Those who refuse to take the oath of allegiance do so because to promise obedience to authorities (that is, to men who are given to deeds of violence), is contrary to the sense of Christ's teaching. They refuse to take the oath in the law courts, because oaths are directly forbidden by the Gospel (*Matthew 5:34*). They refuse to perform police duties, because in doing so they must use force against their brothers and ill treat them, and a Christian cannot do that. They refuse to take part in trials at law, because they consider every appeal to law as fulfilling the law of vengeance, which is inconsistent with the Christian law of forgiveness and love. They refuse to take part in military preparations and in the army, because they cannot be executioners, and they are unwilling to prepare themselves to be so.

Their motives are so excellent that, however despotic governments may be, they cannot punish them openly. To punish men for refusing to act against their conscience, government must renounce all claim to good sense and benevolence. But governments assure people that they only rule in the name of good sense and benevolence.

What are governments to do against such people?

To buy them over with bribes is impossible; the very risks to which they voluntarily expose themselves show that they are incorruptible. To dupe them into believing that this is their duty to God is also impossible, since their refusal is based on the clear, unmistakable law of God, recognized even by those who are trying to compel men to act against it.

To terrify them by threats is still less possible, because the deprivations and sufferings to which they are subjected only strengthen their desire to follow the faith by which they are commanded; to obey God rather than men, and not to fear those who can destroy the body, but to fear Him who can destroy body and soul

To kill them or keep them in perpetual imprisonment is also impossible. These men have friends and a past; *they are well known by everyone to be good, gentle, peaceable people,* and cannot be regarded as criminals to be removed for the safety of society. To put men to death who are regarded as good men is to provoke others to champion them and justify their refusal.

It is only necessary to explain the reasons of their refusal to make clear to everyone that these reasons have the same force for all other men, and that they all ought to have done the same long ago. These cases put the ruling powers into a desperate position. They see the prophecy of Christianity coming to pass, loosening the fetters of those in chains, freeing them that are in bondage, and that this must inevitably be the end of all oppressors.

The ruling authorities see this, they know their hours are numbered, but they can do nothing. All they can do to save themselves only defers the hour of their downfall. And this they do, but their position is none the less desperate.

Thus, the ruling authorities are so defenseless before men who advocate Christianity, that little is necessary to overthrow a sovereign power which seemed so powerful and held an exalted position for centuries. Still, social reformers busily promulgate the idea that it is unnecessary, pernicious and even immoral for every man to separately work out his own freedom.

But the thing has gone too far. Already governments feel their weak and defenseless position, while Christians awaken from their apathy and begin to feel their power . . . . These separate fires may be few, but they burn with a flame which, however small at first, never ceases till it has set the whole ablaze. And this fire is beginning to burn. "I have come to bring fire on the earth," said Christ, "and how I wish it were already kindled." *Luke 12:49*

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Unauthorized Practice of Law

by Lawrence Stephen, Maxwell

On April 1, 1996, the following case was docketed by the Clerk of the United States Supreme Court. The controversy began when Larry Maxwell was sued in Texas District Court for the Unauthorized Practice of Law (UPL) by the Texas Supreme Court. In his defense, Mr. Maxwell asks some very intriguing questions:

** How can the Texas Supreme Court be a* plaintiff *in a lawsuit? After all, the entire judicial system is intended to serve as an impartial referee in trials, so how can the "ref" also be "player"? The situation is analogous to a referee in a football game also being a wide receiver for one of the opposing teams. The chances for impartial referee decisions are nil, and the advantage to the ref's team are virtually insurmountable.*

** How can a Texas District Court have* jurisdiction *over the Texas Supreme Court (plaintiff in the case)? If the District Court does not have jurisdiction over the plaintiff, how can the case proceed?*

** Given that any appeal of the Texas District Court's ruling would ultimately be heard by the Texas Supreme Court (the plaintiff), how can Mr. Maxwell have any prospect for a due process appeal or equal protection under the law within the judicial system of Texas? Therefore, Mr. Maxwell believes his only remedy and appeal must lie in the Supreme Court of the United States. (In fact, Mr. Maxwell filed his case in the "One Supreme Court of the United States of America", but that is another remarkable article for another day.)*

For now, suffice to say, Mr. Maxwell has raised some extraordinary issues that should be of interest to anyone threatened with the Unauthorized Practice of Law or perhaps any form of prosecution initiated by a court. *Due to space limitations, only two of Maxwell's four questions are reprinted here -- principally the question concerning the legitimacy of the Texas Supreme Court acting as a plaintiff in the Texas Judicial System. However, those interested in reading or downloading the entire writ can look for the "UPL" file on the "Hot News" section of the AntiShyster Internet home page at www.antishyster.com.*

In The Supreme Court
of the United States of America
October Term, 1995

No.95-8454

***In re:* Lawrence Stephen, Maxwell**
Petitioner

ORIGINAL PROCEEDING

EMERGENCY PETITION FOR
EMERGENCY WRIT OF PROHIBITION

Introductory Statement

Lawrence Stephen, Maxwell, *in propria persona, Sui Juris,* an interested party by virtue of being named as defendant in the underlying cause, *The Unauthorized Practice of Law Committee of the Supreme Court of Texas vs. Lawrence Stephen Maxwell, Sr., No.95-047316,* hereby petitions this Court to issue a writ of prohibition, directing Respondent THE SUPREME COURT OF TEXAS and Respondent Judge Mark Davidson to cease and desist all activity in said case, to direct the court to discharge all claims and actions of the plaintiff for want of jurisdiction and to enjoin Respondents from further violations of the unalienable rights of Petitioner Lawrence Stephen, Maxwell (hereinafter referred to as "Petitioner").

Questions

I. Whether THE SUPREME COURT OF TEXAS has constitutional authority to file suit in one of its own inferior TEXAS STATE CIVIL DISTRICT COURTS.

II. Whether THE SUPREME COURT OF TEXAS has constitutional authority to prosecute an alleged violation of a statute promulgated by their own licensed agents, said agents being OF both the Judicial and Legislative branches of government simultaneously.

III. Whether THE SUPREME COURT OF TEXAS has prosecutorial authority given to it by the TEXAS CONSTITUTION.

IV. Whether a STATE DISTRICT COURT has jurisdiction over a case that has been removed from its court.

Respondents

1. The Supreme Court of Texas c/o Jeffrey A. Lehmann, Agent/Attorney for the Unauthorized Practice of Law Committee of The Supreme Court of Texas, 5300 Hollister, Houston, Texas 77047

2. Judge Mark Davidson of the 11th State Judicial Civil District Court, Harris County, Texas, c/o 301 Fannin, Houston, Texas 77002

3. Jeffrey A. Lehmann, Agent/Attorney for the Unauthorized Practice of Law Committee of The Supreme Court of Texas, 5300 Hollister, Houston, Texas 77047

Table Of Authorities

Common Law

Constitution for the united States of America

Texas Constitution

Statutes

"All Writs Act," 28 U.S.C. § 1651

28 U.S.C. §3002(15)(a)

28 U.S.C. 1746

Citations to Judicial Decisions

Erie Railroad v. Tompkins, 304 U.S. 64-92

Rules of Procedure

Rule 20, Rules of Supreme Court of United States

Rule 17, Rules of Supreme Court of United States

Tx. R. Civ. Pro. Rule 226(a)

EMERGENCY PETITION FOR EMERGENCY WRIT OF PROHIBITION

Statement Of Jurisdiction

Petitioner requests relief from this Court pursuant to the "All Writs Act," 28 U.S.C. §1651. Petition is filed pursuant to Rule 20 of the Rules of the Supreme Court of the United States of America. Petitioner, being "without" the United States, invokes the Court's original jurisdiction under Article III of the Constitution for the united States of America pursuant to Rule 17 of the Rules of the Supreme Court of the United States of America.

Relief Requested

There exist no other judicial remedy available to Petitioner. Petitioner requests that an Emergency Writ of Prohibition issue from this Court directed to Respondents THE SUPREME COURT OF TEXAS, its agent The Unauthorized Practice of Law Committee of The Supreme Court of Texas, and State Civil District Judge Mark Davidson of the 11th Judicial Civil District Court of Texas, prohibiting Respondents from taking ANY FURTHER ACTION in the underlying case, to cease and desist all activity in said case, to direct the inferior court to discharge all claims and charges against Petitioner for want of jurisdiction.

Reasons For Granting The Writ

The writ will be in aid of the Court's Appellate jurisdiction. Exceptional circumstances warrant the exercise of the Court's discretionary powers. Adequate relief cannot be obtained in any other form or from any other court.

Petitioner, as a sovereign Citizen of one of the several States, NOT a citizen of the Federal United States, possesses unalienable rights given him by his Creator for purposes of complying with the commands of his Creator to fulfill his duties to his God and to his neighbors. Said unalienable rights are preserved pursuant to the Common Law by the Constitution for the united States of America as well as the Constitution for the republic of Texas where Petitioner inhabits the land. Petitioner has the unalienable common law right to be free from malicious, unconstitutional prosecution from the judicial branch of government insanely filing suit in inferior courts of its own civil judicial system to tyrannically control sovereign Citizens exercising their rights to peacefully assemble and speak freely in whatever forum that exists within the borders of America. The knowing, intentional, purposeful, willing abridgment of said rights is an act in direct violation of the common law of the land. The damage to Petitioner is incalculable.

. . . .

Respondents' total absence of constitutional authority to file suits in their own courts MUST be IMMEDIATELY enjoined through a writ that sufficiently causes the total, complete and permanent termination of such unlawful activities against Petitioner and the People in and for Texas state. This Court can avert the inevitable collision that will occur if Petitioner continues to be confronted with tyrannical abuse of power and authority by officers and citizens of the Federal United States. This de jure Court, bound by the clear and precise common law of the land, MUST take IMMEDIATE ACTION to DEMAND that Respondents, being under the direct jurisdiction of this Court in matters of this nature, comply with the law.

Statement of Facts

1. The Underlying Lawsuit

On March 6, 1996, Petitioner was served with an "INJUNCTION" with attached "PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTION AND PETITION FOR DECLARATORY JUDGMENT". The Plaintiff in the underlying cause is THE SUPREME COURT OF TEXAS acting by and through its agent the UNAUTHORIZED PRACTICE OF LAW COMMITTEE. Petitioner unequivocally DENIES all of the bogus charges of Plaintiff THE SUPREME COURT OF TEXAS.

Respondent/Plaintiff THE SUPREME COURT OF TEXAS has filed this action in a state civil district court, that court being an inferior court under the direct con-

trol and authority of Respondent THE SUPREME COURT OF TEXAS. Respondent THE SUPREME COURT OF TEXAS has the absolute authority and power to issue writs of mandamus or prohibition to the very court where they are the plaintiff in a cause of action. It is an illogical absurdity and flies in the face of any and all lawful reason for the plaintiff in an action to be the superior court.

Respondent Judge Mark Davidson of the 11th Judicial District Court was and is licensed by Respondent THE SUPREME COURT OF TEXAS. Respondent THE SUPREME COURT OF TEXAS has the absolute authority to revoke the license of the judge of the inferior court, to initiate disciplinary action against said judge, to begin impeachment proceedings against said judge, and in general, to apply any and all control determined necessary by Respondent THE SUPREME COURT OF TEXAS to control the outcome of the underlying cause of action.

The agent for Respondent THE SUPREME COURT OF TEXAS that is bringing this action is Jeffrey A. Lehmann, Chairman of the Unauthorized Practice of Law Committee. Respondent Jeffrey A. Lehmann was and is licensed by Respondent THE SUPREME COURT OF TEXAS the same as Respondent Judge Mark Davidson. Respondent Lehmann and Respondent Judge Davidson are currently fraternal associates by and through the Texas State Bar Association that is totally controlled and funded by Respondent THE SUPREME COURT OF TEXAS.

The CONFLICT OF INTEREST between Respondent THE SUPREME COURT OF TEXAS, Respondent Judge Mark Davidson and Respondent's agent/attorney and the court, is so overwhelming as to be patently immoral and intolerable in a civilized society. For these entities, who claim to be the "protectors of the law," to even initiate such a heinous, egregious action with full knowledge of the overwhelming conflicts of interest is cutting-edge evidence of the TRUE nature and intent of Respondent THE SUPREME COURT OF TEXAS and its agent, Respondent Jeffrey A. Lehmann.

Respondent THE SUPREME COURT OF TEXAS has no constitutional authority to file suit against ANY entity for ANY reason, much less to file suit in its own inferior courts. Absent constitutional authority, the cause of action must be dismissed for want of jurisdiction.

Respondent Judge Mark Davidson of the 11th Judicial Civil District Court has no authority over Respondent THE SUPREME COURT OF TEXAS. If Petitioner were to countersue Respondent THE SUPREME COURT OF TEXAS for this heinous unconstitutional action and seek a permanent injunction to prevent any such future harassment and litigation, Respondent Judge Mark Davidson would have no authority to enjoin plaintiff/Respondent THE SUPREME COURT OF TEXAS, and could not issue a declaratory judgment against his superiors in favor of Petitioner. There is no plainer truth to exhibit the total lack of jurisdiction that Respondent Mark Davidson of the 11th Judicial District court has over this action. Such an absence of jurisdictional authority over one of the parties to the case, coupled with the overwhelming conflict of interest, DEMANDS that this action be dismissed for want of jurisdiction and that this court issue a Writ of Prohibition demanding the same.

. . . .

The People DEMAND the immediate PROHIBITION of these heinous actions of Respondents who are acting in flagrant violation of the Common Law (Constitution(s)) of the sovereign Citizens of the state republics.

Time is of the essence in this matter and there exists no alternative remedies in judicial process to meet the exigencies of Petitioner's circumstance.

Question I

Whether THE SUPREME COURT OF TEXAS has constitutional authority to file suit in one of its own inferior TEXAS STATE CIVIL DISTRICT COURTS.

This issue first arose in the summer of 1995 when Respondent Jeffrey A. Lehmann, Chairman of The Unauthorized Practice of Law Committee of THE SUPREME COURT OF TEXAS contacted Petitioner by phone and proceeded to make multiple verbal threats as to how he was going to "take down" Petitioner if he did not cease doing what Respondent Lehmann (hereinafter "Lehmann") claimed was "unauthorized practice of law." Petitioner attempted to gain insight as to who Lehmann was and what authority he had to call Petitioner at his home and threaten him. Lehmann refused to reveal how such authority was garnered and to this day Petitioner has been unable to ascertain how any person can be given authority to call a sovereign Citizen of the Texas republic and threaten legal action if they do not cease exercising their fundamental unalienable rights.

Lehmann followed-up the phone call with a letter sent by messenger the next day.

The letterhead was styled "THE SUPREME COURT OF TEXAS," and demanded that Petitioner appear at a "hearing" of this so-called Unauthorized Practice of Law Committee ("UPL") at the private offices of Lehmann and to produce documents and records to this so-called committee. The asininity of this whole unlawful process grieved Petitioner. Petitioner determined that a lawful action properly brought to redress the grievance would expose the lack of authority of a state district judge to hear a case in their court where Respondent THE SUPREME COURT OF TEXAS was a party.

Petitioner filed suit against THE SUPREME COURT OF TEXAS, all nine justices and Lehmann on July 7, *1995,* just one week after receiving the demand letter from Lehmann. Petitioner sought a declaratory judgment that, *inter alia,* THE SUPREME COURT OF TEXAS has no authority to sue Texas Citizens in its own courts. Petitioner also filed a Motion for Temporary Restraining Order (TRO) and sought a Permanent Injunction against THE SUPREME COURT OF TEXAS. Two hours after filing the action, Petitioner was before State District Judge Scott Brister sitting as judge of Harris County, Texas ancillary court for that particular week. Lehmann appeared by speaker phone. Judge Brister lost no time informing Petitioner of what Petitioner already knew and exactly what Petitioner alleged in the Original Petition -- Judge Brister, being a state civil district judge, had no authority to enjoin THE SUPREME COURT OF TEXAS who was his superior. However, in front of twenty plus witnesses, Judge Brister refused to DENY the TRO saying he would not have his signature on the case in any manner. He even refused to grant a Rule 103 Motion for Private Process Service. It was clear Petitioner had hit a nerve.

Just three weeks later, on July 28, 1995, Petitioner appeared at a hearing before State Civil District Judge Russell Lloyd of the 334th Judicial District Court. In short order, Judge Lloyd redundantly acknowledged his total lack of authority to issue a declaratory judgment and permanent injunction against THE SUPREME COURT OF TEXAS. The following are excerpts from the Record of that hearing.

Mr. Maxwell: It's a simple question, Your Honor. Can this Court grant a permanent injunction against the Supreme Court of Texas and the nine justices and declaratory judgment - -

The Court: The answer is no.

Mr. Maxwell: If this Court has no authority to grant our relief, the Court does not have the authority to hear our case. . . .

The Court: I have no authority over the Supreme Court of Texas . . . .

The Court: I am agreeing with your (Maxwell's) side that . . . I don't have the authority to stay the Supreme Court in carrying out its official function.

The Court was in FULL AGREEMENT with the Plaintiffs' position during the entirety of the hearing. Plaintiff Maxwell then requested that the Court grant an appeal, without bond, so that the Plaintiffs could move forward in search of a court that did have the authority to grant the relief requested by the Plaintiffs. The Record shows:

Mr. Maxwell: . . . we are simply saying at this juncture . . . grant us an order to get this thing on appeal and get it up to a court that can hear it.

The Court: I understand. What I will do is I will grant summary judgment or something here. How do I do this?

Mr. Maxwell: Your Honor, I have given the Court an order here. The paper is on back . . . .

The Court: All right.

Mr. Maxwell: It's just an order requesting that the Court grant the appeal. We are also asking that this appeal be without bond. There is nothing to here to be bonded.

The Court: Yes.

The Court: All right, I am going to grant whatever motion I just granted. I mean, that is to say, I am agreeing with your (Maxwell's) side that I don't have the authority to stay the Supreme . . . Why don't you (Maxwell) send him (Lehmann) a copy of your (Maxwell's) order. Maybe y'all can agree to the form. Is that okay, Mr. Lehmann?

Mr. Lehmann: Yes sir.

The Court: Y'all agree to the form.

Mr. Lehmann: Okay.

The Court: You know what I am going to do and what I am going to sign.

It could not have been more clear and understood that the Court agreed . . . that the Court lacked jurisdictional authority to hear the case. It could not have been more clear and understood that the Court was going to sign the Plaintiffs' order, or at least an agreed form of the order, granting an appeal of the case, without bond, to a court that had the authority to hear the case. LEHMANN never raised any objection to the claim of the Plaintiff that this Court had no jurisdictional authority to grant the relief sought by the Plaintiffs. LEHMANN failed to file any written response in opposition and he failed to raise ANY objection to Plaintiffs' request for an Order Granting Appeal in the hearing on July 28, 1995.

However, ten days later, Judge Russell Lloyd signed an Order *proposed by Lehmann*. Judge Lloyd signed the order the day Lehmann brought it to his chambers and before Plaintiff [Petitioner] even knew the order existed. Petitioner was never served with the order by Lehmann and received notification from the court after it was signed. Judge Lloyd DENIED Plaintiff's request for an appeal to a court with authority to hear the case.

Counsel for THE SUPREME COURT OF TEXAS discussed the case with Petitioner over the telephone. He made it clear that he believed Petitioner's arguments that THE SUPREME COURT OF TEXAS lacked authority to sue in its own courts were irrefutable. He also agreed that Petitioner's arguments as to the unconstitutionality of the statute claimed by the UPL committee to give them authority to sanction the so-called "unauthorized practice of law" were incontrovertible. He informed Petitioner that they were filing for summary judgment but that the motion would reflect that THE

SUPREME COURT OF TEXAS was unable to refute Petitioners arguments and would abandon any claim to statutory authority to license the practice of law.

Sure enough, the summary judgment motion filed by THE SUPREME COURT OF TEXAS failed to offer refutation of any kind against Petitioner's claim that THE SUPREME COURT OF TEXAS lacked authority to sue in its own courts and also denied any statutory authority to license the practice of law. In their very brief two-page motion for summary judgment in response to a 29-page Original Petition citing nearly a dozen constitutional violations, THE SUPREME COURT OF TEXAS claimed sovereign immunity for the court, absolute immunity for the justices and that they could license the practice of law pursuant to the Texas Constitution. It is not surprising that they failed completely to mention the Article and Section of the Texas Constitution that allegedly gives such authority (especially since no such authority exists).

. . . .

The People of Texas and the People in and for the united States of America DEMAND that the law be preserved and restored by the issuance of a writ of prohibition against Respondents who are so clearly and purposefully in violation of the Texas Constitution and the Common Law of the People.

Question III.

Whether THE SUPREME COURT OF TEXAS has prosecutorial authority given to it by the TEXAS CONSTITUTION.

The authority to prosecute, on behalf of the People, rests solely with the Executive Branch of Texas government by and through the Governor whose responsibility it is to insure that the laws of the state are faithfully executed. There is NO CONSTITUTIONAL AUTHORITY for the Judicial Branch of government to bring ANY prosecution in the very courts that make up its very existence, much less to prosecute the very sovereign Citizens that give them the authority to exist ONLY for the purpose of securing the unalienable rights of the People given them by Almighty God to fulfill the duties necessary to love their neighbor and conduct their affairs in the ways of God.

. . . .

Absent any constitutional authority to move as plaintiff in a prosecution against Petitioner and the People of Texas and the united States of America, this Court MUST issue a writ of prohibition enjoining the unlawful acts of Respondents. This writ should include a declaration that any and all Orders of Respondent Judge Mark Davidson are now and have always been NULL and VOID for want of jurisdiction. The writ should include directives that insure that Respondents rescind, undo, rectify, or cure any and all acts or omissions that may have occurred as a result of the unlawful acts of Respondents to cause damage to Petitioner's security position as lienholder on private property and damage that may have occurred to the secured position on any lien held by any other sovereign Citizen of Texas.

Conclusion

For the foregoing reasons, Petitioner DEMANDS that the relief requested herein IMMEDIATELY be GRANTED.

Petitioner being "without" the Federal United States [28 U.S.C. 1746] and a sovereign Citizen of a state republic makes the following attestation in keeping with his beliefs as he understands the Word of God:

Verification by Asserveration

In Witness, Knowing the law bearing false witness before Almighty God and Men, I solemnly aver that I have read the foregoing Emergency Petition for Emergency Writ of Prohibition and know the contents thereof; that the same is true of my own knowledge.

Sealed by voluntary act of My own hand on this twenty-seventh day of the third month in the Year of our Lord Jesus Christ nineteen-hundred ninety-six, in the two-hundred nineteenth year of our Independence.

Locus Sigilli s/_____ *Sui Juris*
Lawrence Stephen, Maxwell

"With reservations of all birth rights, not to be compelled to accept any unrevealed benefit, contract, or commercial agreement, nor subject to any unrevealed presumption, or silent judicial notice."

Lawrence Stephen, Maxwell
c/o 2203 N. Palm Pasadena, Republic of Texas Non-Domestic [77502]
in propria persona, Sui Juris

Misinformation Drives Drug Prohibition

This information is provided by the "Partnership for Responsible Drug Information" (PRDI), 14 W 68th St, N.Y., N.Y. 10023. (212) 362-1964.

The arguments for and against Drug Prohibition do not differ from those advanced for and against Alcohol Prohibition (1920-1933). Only the situation is different: Most citizens, familiar with the horrors of alcohol abuse, initially supported Prohibition. But after 13 years of directly witnessing the ensuing corruption and violence, they voted Repeal.[7] Ironically, drug abuse is and always has been a far smaller problem than alcohol abuse. A majority of citizens have little contact with drugs. Only inner city residents directly experience the corruption and violence resulting from Drug Prohibition. Consequently, many Americans are ill-equipped to evaluate misinformation put out by the proponents of Drug Prohibition.

Following are 22 major claims used to defend Drug Prohibition against critics. Those marked DEA appear in *How to Hold Your Own in a Drug Legalization Debate,* published by the Federal Drug Enforcement Administration, August 1994. Those marked CASA come from a *National Survey of American Attitudes on Substance Abuse,* July 1995, from the Center on Addiction and Substance Abuse at Columbia University, headed by Joseph Califano. Major sources of materials to answer the claims are listed below.

1. Claim: *The major illegal drugs, heroin, cocaine and marijuana are more addictive and dangerous to health than the major legal drugs, alcohol, nicotine and caffeine.*

Fact: Prolonged high doses of pure heroin, cocaine or marijuana are not as physiologically harmful as prolonged high doses of alcohol; health hazards of heroin and cocaine primarily come from impurities and dirty needles. Nicotine is far more addictive than heroin or cocaine; caffeine is mildly addictive; marijuana is not addictive. Historically, heroin, cocaine and marijuana were stigmatized due to their association with ethnic minorities: Chinese, African-Americans and Mexicans, respectively. [1, 5, 19]

2. Claim: *"..our children are crying out for help. They're telling us that drugs are the most important problem they face growing up.." Joseph Califano, (CA SA).*

Fact: According to a 1994 Harvard School of Public Health survey of 18,000 students on 140 college campuses, 70% of students drank alcohol in the previous month and 44% of students are binge drinkers, defined in the survey as taking five or more drinks in a row during the prior two weeks. By contrast, for the previous month, 12.5% reported using marijuana, 0.6% cocaine and 0.1% heroin. [18]

3. Claim: *"Kids who smoke pot are much more likely to have sex and to have it without a condom, putting them at risk of pregnancy - the surest way to spend a life in poverty - and sexually transmitted diseases like AIDS. Pot impairs short-term memory, judgment and motor skills just as our kids need to learn, make tough decisions and drive a car safely." Joseph Califano, (CASA).*

Fact: This is true - and far more true for heavy drinking than for marijuana use. According to a Harvard survey, "Binge drinkers were seven times as likely to have unprotected sex as a non-binge drinker, 10 times as likely to drive after drinking, and 11 times as likely to fall behind in school."[18]

4. Claim: *"The perception that marijuana is benign is an insidious influence . . Marijuana is properly called a gateway drug." (CA SA).*

Fact: Most hard drug users started with alcohol and tobacco as well as marijuana; most marijuana users never try hard drugs. [5]

5. Claim: *Illegal drugs seduce users into immoral and degenerate life-styles (CASA).*

Fact: That claim once justified alcohol Prohibition. Troubled people often do escape their misery by abusing drugs and alcohol. However most people who use drugs, legal or illegal, do not indulge to self-destructive extremes. In an ongoing longitudinal study of several hundred children in Oakland, CA, "...when the teenagers reached 18, [Dr. Block] found that not all adolescent drug use boded a grim future. In this study, those teenagers who had experimented with drugs like marijuana during their teenage years - compared both to those who used them heavily and those who abstained - were the least adjusted. Dr. Block's conclusion was that drug use is a symptom of maladjustment, not a cause . . ." [12, 16]

6. Claim: *We should put users In treatment programs, but punish dealers more severely. (Peter Hart survey of drug attitudes [11]).*

Fact: Because it makes drugs so ex-

pensive, Drug Prohibition turns many users into dealers. That is, users buy *extra drugs* to give or sell to friends, or to sell to pay for their own use. The "pusher" who introduces a teenager to drugs is usually a school classmate.[5]

7. Claim: *"Crime, violence and drug use go hand-to-hand" (DEA).*

Fact: A majority of serious habitual criminals (burglars, robbers) also use and/or deal illegal drugs. However, most illegal drug users do not commit any crimes besides drug crimes. A 1990 Rand survey of Washington D.C. found the majority of street dealers also held low-wage jobs and dealt part-time a few hours a week to obtain drugs for their own use. As for violence, only alcohol causes violent or reckless behavior, notably drunk driving. Federal and other statistics show a large percentage of violent crimes are committed "under the influence" of alcohol, a smaller percentage under alcohol *and* drugs, and virtually none under drugs alone.[14] Illegal drugs "cause" violence only in dealers fighting for turf — just as bootleggers fought for turf during Prohibition. According to the National Center for Health Statistics, the murder rate climbed steadily during Prohibition to a peak of 10 per 100,000 in 1933, then dropped precipitously to around 5, remained low for 40 years, and again rose sharply to its present range around 10 in the mid '70's.[11]

8. Claim: *"We have made significant progress in reducing drug use in this country. Now is not the time to abandon our efforts" (DEA).*

Fact: Casual drug use has declined steadily over the last 15 years — probably in response to the same health concerns that caused drinking and smoking to decline. Meanwhile consumption by heavy users has taken up any slack. According to the DEA's own statistics, heroin and cocaine are purer, cheaper and more widely available than ever. [4]

9. Claim: *"We must either legalize [drug use] or get rid of it," by imposing "very Draconian" punishment including the death penalty: "[If] you import commercial quantities of drugs in the United States for the purpose of destroying our children, we will kill you." (Newt Gingerich 7/14/95).*

Fact: According to a July 95 *NY Times* series, illegal drugs are easily and cheaply available in U.S. prisons, smuggled in by prisoners' relatives and corrupt guards. According to one warden, drugs are so cheap in prison that prisoners actually export them for sale outside.[10] If we cannot keep drugs out of prisons, how can more Draconian measures keep them out of the U.S.?

10. Claim: *Drug dealers are more dangerous than murderers, because while murderers only kill a few people, dealers kill thousands.*

Fact: The *same logic* makes alcohol and tobacco manufacturers and distributors even more deadly than drug dealers. And don't forget ski resorts and motor cycle dealers.

11. Claim: *"Legalization of drugs will lead to increased use and increased addiction levels" (DEA). The DEA cites CASA drug expert Dr. Herbert Kleber that, "There are over 50 million nicotine addicts, 18 million alcoholics or problem drinkers, and fewer than 2 million cocaine addicts in the United States. If cocaine were legally available, as alcohol and nicotine are now, the number of cocaine abusers would probably rise to a point somewhere between the number of users of the other two agents, perhaps 20 to 25 million... "*[6]

Fact: Dr. Kleber's speculation is quite implausible. In many European countries, users may legally possess small quantities of hard drugs. Yet there has been no explosion of hard drug use or addiction. In the U.S. before Alcohol Prohibition, cocaine and opiates were legal and widely available, but were never remotely as popular as alcohol. [5] Today, 30% of sixth through twelfth graders surveyed by CASA stated that it was easy to obtain cocaine or heroin — yet 82% reported that none of their circle of friends used hard drugs and another 13% reported that "less than half" used them, leaving only 5% with "more than half." The CASA survey does not distinguish regular use from occasional experimentation, so even the 5% greatly overstates hard drug abuse. Were cocaine given away free on every street corner most people wouldn't try it.

12. The Claim: *"Legalization and decriminalization of drugs have been a dismal failure in other nations" (DEA).*

Fact: *As* depicted at length in an April '95 ABC TV special [20] many European countries increasingly treat drug use and abuse as a public health problem instead of a criminal problem. Marijuana is sold legally in bars in Holland, and rarely prosecuted elsewhere. People may legally possess small amounts of drugs for their own use. Addicts can easily obtain clean needles. Programs in England, Holland, Germany, Switzerland and elsewhere supply methadone and even heroin to addicts. These programs limit the spread of AIDS and hepatitis among injecting addicts, and from addicts to the general population. The greatest obstacle to expansion of European programs is opposition from U.S. drug-enforcement agencies.

13. Claim: *"Drug prohibition is working . . . Actually, Prohibition was a success" (DEA).*

Fact: At the start of Prohibition, alcohol consumption fell to an estimated 30% of its prior level; by the end in 1933, consumption had risen again to some 70% of pre-Prohibition, a level at which it remained for the next ten years before rising again.[9] Prohibition mostly reduced consumption by prior light drinkers. It shifted consumption from beer and wine to hard liquor, which has a higher ratio of value to smuggling cost. It also caused the death or blindness of hundreds of thousands of Americans who drank bootleg liquor made from denatured industrial alcohol. Likewise, Drug Prohibition mostly discourages occasional drug users. It shifts consumption from marijuana, which is bulky and hard to hide or transport, to concentrated hard drugs. And it causes death or illness for thousands of addicts and their families, due to impure drugs, AIDS, hepatitis, and antibiotic-resistant TB acquired in crowded prisons.

14. Claim: *"Most inmates in federal, state and local prisons have drug or alcohol problems. It's time to provide the treatment they need and replace indiscriminate mandatory sentences with this one: no alcohol or drug abusers will be released from prison until he or she demonstrates a year of sobriety." Joseph Califano (CASA).*

Fact: Long mandatory minimum sentences for minor non-violent drug offenders already clog the courts and overwhelm the prisons. Does consistency require us to extend the same treatment to alcoholics?

15. Claim: *"Any revenues generated by taxing* legalized *drugs would quickly evaporate in light of the increased social costs associated with legalizing drugs" (DEA).*

Fact: Legalization would most likely shift consumption to marijuana and away from hard drugs and alcohol. According to Harvard drug researcher Prof. Harrison Pope, "I doubt that there are many substance-abuse researchers who would contend that marijuana is as dangerous as alcohol or tobacco."[8] A recent study estimated

that if marijuana were legal and taxed at the same rate as cigarettes, It might generate $9 billion in tax revenues.[2]

16. Claim: *"Drug control spending is a minor portion of the U.S. budget, and* compared *to the cost of drug abuse, spending is minuscule (DEA). The DEA estimates that in 1995, the Federal Government will spend $13 billion on drug control, compared to their estimated $60 to $100 billion in lost productivity each year."*

Fact: The direct costs of drug control include local and state police, overloaded courts, and new prison construction. The indirect costs include the cost of dangerous criminals paroled early to make room for drug users and dealers, the cost of property crime not prevented or solved because the police are busy pursuing drug dealers, and the corruption of police by those dealers. Indirect effects of Federal control include the corruption of Latin American governments by international drug dealers. But even were the cost only $13 billion, that's money wasted if it brings no reduction in drug abuse or crime.

17. Claim: *"Drug legalization would have an adverse effect on low-income communities" (DEA).*

Fact: At present, drug illegality puts low-income communities at the center of both the illegal drug market and the Drug War. Consequently, while most drug users are white, most of those arrested — and most of those caught in the cross-fire — are low-income minorities. A restricted legalization would get drugs, drug customers, drug dealers, and guns off the streets. It would eliminate drug dealers as role models of entrepreneurial success.[5]

18. Claim: *"There are no compelling medical reasons to prescribe marijuana or heroin to sick people" (DEA).*

Fact: Marijuana remains the treatment of choice for nausea due to chemotherapy, and loss of appetite due to AIDS. Heroin is a safe and effective treatment for severe pain. In Europe, doctors legally prescribe these drugs for patients.[5]

19. Claim: *"Alcohol has caused significant health, social and crime problems in this country, and legalized drugs would only make the situation worse" (DEA).*

Fact: There is a population of troubled people prone to substance abuse. Greater availability (if possible) of drugs will more likely change the *mix* of abused substances than the overall level of abuse.

20. Claim: *"What's at stake in the* war *on drugs is America's children." Joseph Califano, (CASA).*

Fact: Opponents of Alcohol Prohibition argued that children could more easily obtain alcohol in illegal speakeasies than they could in regulated saloons before Prohibition. They argued that the spectacle of adults everywhere flouting Prohibition made children disrespect the law in general. And the money to be made as runners and lookouts for bootleggers seduced children into lives of crime.[7] The same goes for Drug Prohibition: It makes drugs more available to children, it teaches them disrespect for the law, and it tempts some of them into lives of drug-dealing, violence and crime. The CASA survey found the overwhelming reason children try drugs is "peer pressure". If a restricted legalization gets children out of the drug business, it also reduces the pressure from drug-dealing peers.

21. Claim: *"And for those who say we should legalize drugs, I say do what I've done. Go to a hospital and visit the ward where they care for babies born to crack-addicted mothers, and hold in your arms one of the babies born weighing less than two pounds, with tubes running in and out of their bodies, desperately clinging to life, and ask yourself, do you want to legalize that which cased that problem?" Drug Czar Lee J. Brown, June 20, '95.*[21]

Fact: There are no crack baby wards. There may even be no crack babies, except for babies endangered by *malnutrition* of addicted mothers. Damage to babies by cocaine, or alcohol or nicotine, is best averted by providing treatment and prenatal care.[3] Drug Prohibition does not keep addicted women from obtaining cocaine. But it does scare them away from treatment or prenatal care.

22. Claim: *Legalizers and decriminalizers do not have a clear program for solving the drug problem (DEA).*

Fact: Opponents of Drug Prohibition agree with Europeans that drug abuse, like alcohol abuse, should be treated as a *public health problem* not a criminal problem. Most favor some form of restricted legalization such as making hard drugs available only by prescription or in clinics. Most would limit or prohibit advertising of drugs, and often of alcohol and tobacco too. The Washington D.C. Drug Policy Foundation simply proposes that we eliminate Federal drug laws, and leave recreational drug regulation, like alcohol and tobacco regulation, to the states and localities. States could then try out different options.

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Media Daze

by Albert N. Baxter

I've enjoyed watching the Sunday TV news programs ("This Week With David Brinkley", the "McLaughlin Group", and "Face The Nation") for years. Although I recognized a kind of bias, influence -- even a modest measure of outside control in those programs -- I also saw enough disagreement among them to persuade me that -- taken together -- those programs offered enough truth to be truly informative and worth watching. Based on the truth I thought I could discern (sometimes between the lines, but present none-the-less), I dismissed the allegations of mainstream media "control" as exaggerated.

However, my doubts - that mainstream media was "controlled" or that the "news" had more in common with propaganda than objective information - were pretty well quashed by the media's blitzkrieg against Pat Buchanan. Until Buchanan showed signs of actually winning the Republican nomination for the Presidency, I had never seen the mainstream media operate in a way that could be described as both coordinated and vicious. When it looked like the machine's candidate Dole might lose the Republican "fix" (nomination), I couldn't find a single major media outlet that wasn't openly desperate to "Stop Buchanan!" any way they could.

I won't soon forget the almost mechanically-objective "conservative" George Will (on "This Week With David Brinkley") unite with his liberal "adversary" Sam Donaldson to launch an attack against Buchanan that was so virulent, Will was nearly hissing and spitting. I was confused. Why would conservative *Will react so virulently against* conservative *Buchanan? I can understand that Will might disagree with Buchanan, but I could not understand why Will could not find at least some saving grace in Buchanan's campaign.*

And then (same day) I turned on the McLaughlin Group (where Buchanan once appeared as a "regular") to see all Pat's old pals turn on him like a pack of hypoglycemic cannibals. In fact, for about a week, I couldn't find a single major media outlet that did not disparage or demonize Buchanan. While the virulence of the media's reaction was surprising, it was the incredible consistency *of their reaction that removed any doubt that the mainstream media IS controlled (when necessary) to achieve results that are clearly contrary to the best interests of the American people.*

I still watch "This Crock With David Brinkley", "The McLaughlin Grope", and "Moon the Nation"; it's interesting to observe the party line. But I no longer respect any one of those program's commentators or advertisers. I see them now as a pack of aging prostitutes, promoted to the rank of Pimp or Madam and trying to convince us all of their virtue and integrity. But though they're now working the bordello as assistant managers rather than $2 whores, nothing's changed but the wrinkles in their skin and the dead look in their eyes. In their hearts, they're still walking the docks, waiting for another shipload of sailors to hit port.

As for Buchanan, I didn't hear him whine about the media's assault on his candidacy (never even heard him comment on allegations that some of the primary elections may have been fixed to insure his defeat). But why should he complain? He knows the game. After all, he worked in that same Washington whorehouse for twenty or thirty years. (I wonder if Pat's been struck by the irony of his defeat at the hands of his own profession -- those who live by the media, die by the media?)

As for Bob Dole, unless he picks an extraordinary running mate (Gen. Schwartzkof?) he'll get his in November. Y'know it's almost astonishing how stupid people can be. In 1994, the Republicans swarmed into Washington and displaced the Democrats in a political revolution based on the POPULIST power of their "Contract With America". Two years later, the 1996 Republican primaries were awash with populist candidates like Alan Keys, Charles Collins, and Pat Buchanan -- who wanted to represent the best interests of the American PEOPLE. The Republicans ignored them, insulted them, even demonized them, and instead opted to support Bob "the mechanical man" Dole who best represent the interests of the Republican party's MACHINE. In return for ignoring the people's interests in their primary elections, the Republicans will probably lose not only the Presidency in '96, but also control of the Senate and House. They'll've earned it.

In any case, here's a letter from another American who's finally begun to see the truth of the mainstream media.

TO: CEO's:
FOX, NBC; CBS; LA TIMES; ABC.

As a 72 yr. old WW II vet; father of 2; grand-f. of 2; former university professor; rocket scientist; minimally-informed man, I COULD WEEP - over my own ignorance, and that of Americans, generally. *And for this enormous pool-of-ignorance, I hold YOU (and our school systems) largely responsible.* Your "area of coverage" is vast;

the "depth" and significance and thrust is frequently minimal.

I freely admit that what follows does not apply to every publication soap-opera/newscast, but it's representative. I find the ignorance, arrogance, sarcasm and impudence (of, for example, a Bryant Gumble) to be nauseating. But NBC's "the fleecing of America" seems to be forthright and helpful. I appreciate seemingly unbiased, open coverage of actual events; usually, sports. I subscribe to private publications—not Time, or Newsweek or USNWR—for what I consider to be a less-distorted, unbiased rendering of the facts. I wish that the order-of-importance of (particularly TV) news items superseded their point-of-origin, ethnicity, sensationalism.

You have the greatest opportunity of any persons alive to foster *appetites for excellence - to stimulate and inform the masses - truthfully!* Yet, largely, you feed us fluff, diversion and trivia. Your evident objective toward implementing the principles of "Silent Weapons for Quiet Wars" is continuous and consistent: Implying the need for *Emergency War Power*, for "authoritative intervention" on crime, drugs, poverty, etc.; Control of media content (refusing to cover embarrassing govt. issues such as national bankruptcy, unconstitutional money, overt deceit and deficit devastation); Creating animosity and division (race v. police v. illegal v. capitalism); Keeping the public ignorant of important issues (Constitutionalism v. Socialism, tax-law truths); Ignoring, winking at, a/o lampooning character and integrity; deriding the family (displaying, extolling deviates); ignoring the devastating, historical effects of taxation; Sympathizing with mediocrity (schools, immigrants, productivity); Deriding private enterprise, capitalism and American business (attacking/demonizing executives and condemning remuneration and profitability); Applauding One-world government (condoning subduction of American sovereignty); Ignoring the published objectives of the UN, the CFR, the Bilderbergers, the TLC; Attacking wholesomeness, the church (gleefully exploiting the foibles of a few); Supporting loss-of- privacy (big-bro snooping, "1984"); Reporting overt lies without question (particularly from govt. officials); Discrimination against conservatism (hiring biased journalists; ridicule of candidates); The near-worship of socialist/environmental-extremism (failing to emphasize the inaccuracy of, for ex., the V.P.'s environmental-extremist writings); The constant attack on our 2nd and 4th amendment rights privacy; gun-control v. criminal-control, due-process); Failing to analyze the money 'situation', the ownership of the Fed. Res., the impotence of the 16th Amendment; Asking insinuating questions ("when did you stop beating your wife" type). Chung claimed your source of info is/was *90-95%* government; thus, I can understand your reluctance to criticize. You quote 'sources', but what of their bent, bias and persuasion? They may be the writers/announcers, themselves.

A specific example: Today's *front page* of the *LA Times*: "Clinton releases oil". Not mentioned *on the 1st page* is that it's a "drop in the bucket" — it's politicized symbolism. It should be ridiculed, not exalted. On pg. 18, it's noted to be an increase of about 1%! If that isn't distortion-by-implication and relegation, what is?

Here are a few examples of your veneration of what I consider to be rot: adultery; fornication; deception; murder; gore; destruction; rape; incest; disobedience; disrespect; ridicule of fathers, teachers, police; homosexuality; "living together"; celebrities' illegitimate babies; etc., the kinds of socialist/extremists activities which, historically, have destroyed nations. I note your ridicule of patriotism, scorn for love-of-liberty, law, truth and freedom; your basic fostering of the welfare state and of the greatest governmental (and environmental) failure on earth, socialism. You accentuate the negative. You castigate those whose opinions/beliefs are 'different', even though Constitutional and wholesome and lawful.

I readily acknowledge Americans' appetite for junk, but you have whetted massively that appetite. (When officers or school officials attempt to enforce local ordinances you "crucify" them; no wonder at their disillusion; lack of support; no wonder at truancy, gangs, violence to teachers, disrespect, etc.). But I commend you for what little your present re: altruism, integrity, scholarship, unselfishness, heroism -- basic goodness and wholesomeness. *But thanks to you, "Patriotism" has become a despicable, ludicrous term.* As a "patriot", I offered my life for America.

Perhaps my greatest disappointment in the media is as follows: As one who, until the last few years had nearly zero knowledge of the content and enormity of the (past and potential) influence of our Constitution, God's law, common-law, the Law Merchant, the Magna-Charta, early-American-patriots, etc., on the vitality and health of early America, I find your ridicule, your avoidance, your distortion, and your shallow, jaundiced treatment thereof to be totally repugnant.

During hundreds of pages/hours of

the O.J. trial you had "authorities" analyzing, commenting and speculating on every nuance - every blood-drop - of those brutal murders. During the King arrest you showed - hundreds of times - frightened, conscientious officers attempting to subdue a law-breaking, drug-energized, drunken man being brought into compliance. Today, some fellows in Montana have some strong beliefs apparently having to do with the law and the Constitution. (Just yesterday I read that their positions are well documented and readily available, but you don't even investigate!) Instead of your doing an in-depth analysis of their position and reasons, you describe long-range cameras, the weather, the standoff, etc.. *Trivia.*

Some people believe strongly about the rights of the innocent unborn. [If; for example, there is a God and if abortion is murder, have you analyzed - or even conjectured and reported on the potential consequences - *to America* - of "legally" murdering 30 million innocents?] Rightfully, the Holocaust receives major attention; but what about the 20-40 million whom Stalin starved? Pol Pot? What about the legality, ethically, morality of our 30 million macerated babies?

You lampooned and devastated the alleged "extremist", Sen. Joseph McCarthy; now Russian files reveal that Mc C. was correct; the Communists had treasonous spies at the highest levels in our government! *Shame on your ignorance and biased silence! Your embarrassment and apologies should be acknowledged, frequent, and profound.*

I don't know whether there was govt. complicity in the Okla. City tragedy. Did you fully investigate a reported second explosion as was supposedly measured by a local university? Were most or all ATF personnel absent as reported? How about a thorough analysis and report?

Currently, some Cal. Senator is being "hounded" by ignorant reporters; their questions are senseless, insinuating, inane and vacuous. Even an ignorant engineer, like me, knows better. Letters To Editors exhibit enormous ignorance and media-fed bias. You have an opportunity - indeed, a *responsibility* - to inform, and to correct totally-erroneous, but intentionally-imposed misconceptions; *isn't it your duty to clarify and correct?* Are you afraid to do so? Do you not have the time or talent or incentive? Isn't it your obligation to report the truth, the whole truth and nothing but the truth, completely undistorted? What people believe is important, because they act on it. *Now matters forever.*

Am I wrong about bias and distortion? Consider: Of 139 journalists recently interrogated: 89% voted for Clinton; 4% are registered Republicans; 2% are "conservative". *Of all employers, you discriminate most.* To top it, a so-called journalist, Elaine Povich said of the poll: "This Poll does not confirm a liberal bias in the news media." *Are your readers/ watchers stupid and blind?* If that isn't socialist/extremism-in-favor-of-liberalism, what is? *Of all who shouldn't - ever - accuse others of extremism, it's the "media".* I find your slanting of the info you produce to be enormously disturbing. Even I can detect it. Every conversation I've had on this subject confirms my position.

In short: I believe your function and objectives need overhaul. Let Supreme Law and Truth be your compass, not the UN, not the C.F.R., not the T.L.C., not the (V.P.'s) socialists/extremists/elitists, not the biased journalists/editorialists, not relativism.

I agree with Thomas Jefferson: "*If a nation expects to be ignorant and free, it expects something that cannot be.*"

Albert N. Baxter
Rancho Palos Verdes, California, U.S.A.

Medical Consequences of Homosexual Sex

by Dr. Paul Cameron, Ph.D.

Because the "gay" community actively supported his election in 1992, President Clinton championed legislation and administrative rules which favored gay interests. First and foremost was the new policy allowing gays in the military. Today, Clinton admits that was an extraordinary political gaff. Nevertheless, since that time, gays have been the "poster-boys" for the Clinton Presidency, and the center of much media attention. Just as blacks in the 1960's and women in the 1970's and children in the 1980's have been almost decimated after becoming the government's "poster-boy du jure", so will the gays -- although it will probably take a few more years for them to realize just how dangerous government favoritism can be.

In the mean time, the issue of gay rights has polarized, frustrated and enraged large portions of American society. In Chicago, the Boy Scouts have been ordered to allow gay scoutmasters. Hawaii is on the verge of passing a law to allow homosexual marriage. Congress is trying to pass a law that defines marriage as strictly heterosexual, but the Supreme Court has recently revoked a Colorado State Constitutional Amendment which prevented gays from being classed as legitimate minority with legal rights based only on their sexual orientation. Perhaps the most polarizing aspect of the gay rights crusade is the promotion of homosexuality as a viable "alternative life-style" to children by public schools.

Until recently, I've been largely indifferent to the homosexual issue. My attitude has been if two adults males (or females) want to play with each other -- well, it's not my problem and besides there's not much I can do about it. My principal complaint with gays was that no one within the gay community exposed gay child molesters. That complicity of silence is self-serving, shameful, and worthy of contempt. Nevertheless, it wasn't my problem, so I let it go.

I recently interviewed Dr. Jeffrey Satinover on "The Christian-Patriot Connection" (770AM Dallas, 8-10pm Mondays). Dr. Satinover had written a book called "Homosexuality and the Politics of Truth" which explored one of the current "foundations" of gay legitimacy: the theory that there is a "gay gene" that naturally predisposes and compels some folks to be homosexual. If there is a "gay gene", then homosexuality is genetic, as natural as the color of your skin, not be based on personal choice, and therefore not "punishable" as a crime (no intent).

Although Dr. Satinover was compassionate toward the gays, he largely debunked the gay gene theory. After all, how can a homosexual *trait be passed on* genetically *when the entire genetic process is based on* heterosexual *reproduction? While a homosexual gene is theoretically possible, given that it is inherently contrary to any notion of reproduction, we can reasonably conclude the homosexual gene would be expressed in the population about as rarely as albinism or hermaphroditism. Therefore, all the civil rights that flow from the "gay gene" theory are based on fraud. For me, that conclusion was neither surprising nor significant; most of government is already based on fraud, so why not gay rights?*

However, I had recently seen some 1992 articles on homosexuality written by Dr. Paul Cameron, Ph.D. of the Family Research Institute, which were so aggressively, clinically critical of gays as to be not only shocking but suspect. Dr. Cameron's work was so far from being "politically correct", so far removed in tone and attitude from anything being "responsibly" written about gays that I couldn't help but suspect that Dr. Cameron's work was biased "gay-bashing". Still, Dr. Cameron's work was so well documented, his insights so new (to me) and clearly written, that I had to know if he was a legitimate researcher.

So, during the radio interview with Dr. Satinover, I asked if he knew of Dr. Cameron's work, and was it valid? Dr. Satinover expressed a mild uneasiness with Dr. Cameron's aggressive style, and also warned that some of Dr. Cameron's work was based on samples that weren't quite large enough to be statistically reliable. (In other words, with more research and numerically larger samples, some of Dr. Cameron's conclusions might be modified in terms of their statistical magnitude. For example, if Dr. Cameron concludes that 40% of all homosexual do this or that, further study of a larger statistical sample might reveal the more accurate percentage is really 25% -- or 60%.) However, Dr. Satinover was convinced that in general, Dr. Cameron's conclusions were accurate and important.

Further, if Dr. Cameron's 1992 work were false, it should have been publicly discredited by 1996. Therefore, given Dr. Satinover's critical support, I'm republishing a portion of Dr. Cameron's article "Medical Consequences of What Homosexuals Do".

Although this is arguably the most shocking, offensive article I've ever published in the AntiShyster, there's even more shocking information in Dr. Cameron's article which I did not reprint. Nevertheless, I feel confident this information should be enough to stimulate most peoples' gag reflex and make them see that the issue of gay rights is important and potentially so dangerous that only a fool would embrace the kind of indifference I've maintained for the last decade.

Throughout history, all civilizations and all major religions have condemned homosexuality. In the American colonies, homosexual acts were a capital offense. Thomas Jefferson said that homosexuality "should be punished, if a man, by castration, if a woman, by cutting through the cartilage of her nose a hole of one-half inch in diameter at least." Until 1961 homosexual acts were illegal throughout America.

Today, gays claim that the "prevailing attitude toward homosexuals in the U.S. and many other countries is revulsion and hostility... for acts and desires not harmful to anyone." The American Psychological Association and the American Public Health Association assured the U.S. Supreme Court in 1986 that "no significant data show that engaging in . . . oral and anal sex, results in mental or physical dysfunction."

Is the historic stance against homosexuality merely one of prejudice? Is homosexual behavior really as harmless as gays and these health associations assert?

What Homosexuals Do

The major surveys on homosexual behavior are summarized below. Two things stand out: 1) homosexuals behave similarly world-over, and 2) a Harvard Medical Professor, Dr. William Haseltine, noted in 1993, the "changes in sexual behavior that have been reported to have occurred in some groups have proved, for the most part, to be transient. For example, bath houses and sex clubs in many cities have either reopened or were never closed."

Homosexual Activities

Oral sex. Homosexuals fellate almost all of their sexual contacts (and ingest semen from about half of these). Semen contains many of the germs carried in the blood. Because of this, gays who practice oral sex verge on consuming raw human blood, with all its medical risks. Since the penis often has tiny lesions (and often will have been in unsanitary places such as a rectum), individuals so involved may become infected with hepatitis A or gonorrhea (and even HIV and hepatitis B). Since many contacts occur between strangers (70% of gays estimated that they had sex only once with *over half of* their partners), and gays average somewhere between 106 and 110 *different* partners/year, the potential for infection is considerable.

Rectal sex: Surveys indicate that about 90% of gays have engaged in rectal intercourse, and about two-thirds do it regularly. In a 6-month long study of daily sexual diaries, gays averaged 110 sex partners and 68 rectal encounters a year.

Rectal sex is dangerous. During rectal intercourse the rectum becomes a mixing bowl for: 1) saliva and its germs and/or an artificial lubricant, 2) the recipient's own feces, 3) whatever germs, infections or substances the penis has on it, and 4) the seminal fluid of the inserter. Since sperm readily penetrate the rectal wall (which is only one cell thick) causing immunologic damage, and tearing or bruising of the anal wall is very common during anal/penile sex, these substances gain almost direct access to the blood stream. Unlike heterosexual intercourse (in which sperm cannot penetrate the multilayered vagina and no feces are present), rectal intercourse is probably the most sexually efficient way to spread hepatitis B, HIV, syphilis and a host of other blood-borne diseases.

[*The article went on to discuss "fecal sex", "urine sex", and "sadomasochism" which are beyond the limits I care to consider in the AntiShyster.*]

> "... it does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds."
>
> *Samuel Adams*

Medical Consequences

Death and disease accompany promiscuous and unsanitary sexual activity. 70% to 78% of gays reported having had a sexually transmitted disease. The proportion with intestinal parasites (worms flukes, amoeba) ranged from *25%* to 59%. As of 1992, 83% of U.S. AIDS in whites had occurred in gays . The Seattle sexual diary study reported that gays had, on a yearly average:

1) fellated 108 men and swallowed semen from 48;

2) exchanged saliva with 96;

3) experienced 68 penile penetrations of the anus; and

4) ingested fecal material from 19.

No wonder 10% came down with hepatitis B and 7% contracted hepatitis A during the 6 month study.

Effects on the Lifespan

Smokers and drug addicts don't live as long as nonsmokers or non-addicts, so we consider smoking and narcotics abuse harmful. The typical lifespan of homosexuals suggests that their activities are more destructive than smoking and as dangerous as drugs.

6,714 obituaries from 16 U.S. homosexual journals over the past 12 years were compared to a large sample of obituaries from regular newspapers. The obituaries from the regular newspapers were similar to U.S. averages for longevity: the median age of death of married men was 75 and 80% of them died old (age 65 or older). For unmarried or divorced men the median age of death was 57 and 32% of them died old. Married women averaged age 79 at death; 85% died old. Unmarried and divorced women averaged age 71 and 60% of them died old.

The median age of death for homosexuals, however, was virtually the same nationwide -- and, overall, less than 2% survived to old age. If AIDS was the cause of death, the median age was 39. For the 829 gays who died of something other than AIDS, the median age of death was 42 and 9% died old. The 140 lesbians had a median age of death of 45 and 23% died old.

2.9% of gays died violently. They were 116 times more apt to be murdered; 24 times more apt to commit suicide; and had a traffic-accident death-rate 18 times the rate of comparably aged white males. Heart attacks, cancer and liver failure were exceptionally common. Twenty percent of lesbians died of murder, suicide, or accident -- a rate 512 times higher than that of white females aged 25-44. The age distributions of

samples of homosexuals in the scientific literature from 1858 to 1992 suggests a similarly shortened lifespan.

The Gay Legacy

Homosexuals rode into the dawn of sexual freedom and returned with a plague that gives every indication of destroying most of them. Those who treat AIDS patients are at great risk, not only from HIV infection, which, as of 1992 involved over 100 health care workers, but also from TB and new strains of other diseases. Those who are housed with AIDS patients are also at risk. Dr. Max Essex, chair of the Harvard AIDS Institute, warned congress in 1992 that "AIDS has already lead to other kinds of dangerous epidemics . . . . If AIDS is not eliminated, other new lethal microbes will emerge, and neither safe sex nor drug free practices will prevent them." As of 1992, at least 8, and perhaps as many as 9 patients had been infected with HIV by health care workers.

The Pattern of Infection

Unfortunately the danger of these exchanges does not merely affect homosexuals. Travelers carried so many tropical diseases to New York City that it had to institute a tropical disease center, and gays carried HIV from New York City to the rest of the world. Most of the 6,349 Americans who got AIDS from contaminated blood as of 1992 received it from homosexuals and most of the women in California who got AIDS through *heterosexual* activity got it from men who engaged in homosexual behavior. The rare form of airborne scarlet fever that stalked San Francisco in 1976 also started among homosexuals.

There is a pattern here that we ignore at our peril. With the rise of these new contagious diseases, homosexuality not only raises our medical costs, it also increases the hazards of medical care, receiving blood, and eating out.

Genuine compassion

Society is legitimately concerned with health risks - they impact our taxes and everyone's chances of illness and injury. Because we care about them, smokers are discouraged from smoking by higher insurance premiums, taxes on cigarettes and bans against smoking in public. These social pressures cause many to quit. They likewise encourage nonsmokers to stay nonsmokers.

Homosexuals are sexually troubled people engaging a dangerous activities. Because we care about them and those tempted to join them, it is important that we neither encourage nor legitimize such a destructive life-style.

These excerpts from "Medical Consequences of What Homosexuals Do" are reprinted with permission of Dr. Paul Cameron of the Family Research Institute. The original excerpts included 21 footnotes which I did not reprint for lack of space. However, for a complete copy of Dr. Cameron's essay or to subscribe to his newsletter, write to Family Research Institute, POB 62640, Colorado Springs, Colo. 80962.

More Editorial Comment

If Dr. Cameron's research is correct, homosexuality is one of the most lethal "life-styles" anyone can choose. Far more dangerous than cigarettes (which probably cuts only 10 years off the average smokers life) homosexuality cuts life-expectancy by about thirty years. The homosexual "casualty rate" is probably higher than that of our most aggressive military units (Special Forces, Seals, Marine Recon). As such, homosexuality is inherently violent to the point of being murderous and/or suicidal. Whatever it is, homosexuality is not fundamentally "gay".

If you find Dr. Cameron's research shocking, it's even more shocking that the homosexual community not only embraces, but promotes their lethal life-style. Most shocking of all, however, is the fact that our government and schools promote homosexuality as a rational option to innocent children.

Given the confusion that routinely surrounds issues of gender and sexual orientation for adolescents and young adults, and their predisposition to "experiment" with everything from drugs to gangs to sex, any suggestion that homosexuality is a natural, rational, or harmless "life-style choice" may be tantamount to negligent homicide. If Dr. Cameron's correct, homosexuality can cut your life expectancy by half. Therefore, any attempt by government or schools to promote homosexuality may cause the premature deaths of an untold number of children. As such, this promotion is worse than criminal -- it's evil.

Lastly, Dr. Cameron's research is not simply about homosexuals -- it's about all of us since at least some of those homosexual activities (promiscuity, oral and anal sex) are also practiced by some heterosexuals and therefore must also threaten the heterosexual community.

It's a funny thing. The Bible warns against homosexual, unnatural, and promiscuous sex, but we do as we please because, Hey, if God were serious, he'd throw down a thunderbolt every time one of us committed adultery. But God doesn't throw thunderbolts, and we interpret His silence as approval, indifference, or perhaps even evidence that He does not exist. Therefore, we conclude we can do as we please. Then we die at age 40 from Karposi's sarcoma, and wonder why a compassionate God would allow that kind of horror to take place.

The deeper I get into the Bible, the more I suspect it is not so much an authoritarian series of commands from a cold, implacable God, but rather the loving advice of a father who knows the dangers in this world and endeavors to protect his children. If you want, you can ignore Dad's advice and you may even get away with it. But the odds are, you ignore that advice only at your peril. Perhaps God doesn't warn against homosexuality (or promiscuity) because it makes Him mad, but because it carries its own "thunderbolt" and -- like Russian Roulette -- is inherently lethal.

Badge of Infamy

The 5th Amendment to the Constitution endeavors to assure that all criminal defendant's receive a fair trial. That amendment states in part that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ..." This article hinges on the 5th Amendment's reference to "infamous".

OK, but what's "infamous" mean?

Just as some names (like "beloved", "honorable", or "role model") provide a person with "fame" (a positive public image), other "names" (like "traitor", "dishonorable", and "child molester") can irrevocably damage a person's public image with a "badge of infamy". Infamy is a kind of negative fame; an undesirable public image. An infamous crime, then, is one that casts public shame or disrepute on a person.

Big deal? Nobody cares about "infamy"? Oh no. Every one of us cares about and fears infamy.

Remember the rhyme and shield of childhood: "Sticks and stones may break my bones, but names will never hurt me"? We've all used it at one time or another to ward off the painful slanders of other children. But no matter what we said aloud, we knew in our hearts that some "names" DO hurt.

For example, if one clever child successfully labeled you as "big head", "pig pen", or "wallflower", your entire social status and access to the friendly society of the other kids could be instantly destroyed. Suddenly, you could be an outcast, an object of ridicule, and subject to the incessant taunts of ALL the other kids -- not just the one who first tagged you with that "badge of infamy". The psychological effect of being ridiculed by ALL the other kids (publicly "mobbed") is devastating and almost impossible to overcome. Although those childhood "names" may seem silly to adults, if you think back, you can remember that even the threat of being publicly "labeled" as a child was terrifying.

Just as infamous (i.e., "public") names can damage children, they can devastate adults, especially within the courts. For example, it's common knowledge that federal prosecutors routinely label IRS adversaries as "tax protesters" solely to instill an anti-defendant bias in the judge and jury. Increasingly, government is also labeling politically incorrect defendants as "right-wing", "racists", "child molesters", "militia members", "paper terrorists" and various other "names" for the obvious purpose of prejudicing the judge and jury against the defendants. These prosecutorial "badges of infamy" are intended to inspire the same mob-reaction in the court room that we once experienced in the school yard. Once that "tin can" is publicly tied to your tail, everything you say is regarded with ridicule or contempt, any chance to be tried by an "impartial tribunal" is lost, and you are unfairly assured of conviction.

In 1993, the IRS prosecuted a man and wife for violating the tax code. During that prosecution, the U.S. Attorney described the defendants as "tax protesters". The defendants (who wish to remain anonymous) filed the following motion to Federal District Court Judge Barefoot Sanders; the U.S. Attorney offered no defense or explanation; the motion was partially granted (the U.S. Attorney was prohibited from using the label "tax protester").

However, although the written motion contains a request for sanctions and costs against the U.S Attorney, the defendant was nervous when he made his oral argument. He remembered to ask that the badge of infamy ("tax protester") be expunged from the record, but he neglected to also ask orally for the sanctions and costs against the U.S. Attorney.

Presumably, because the defendant did not make an oral request for sanctions and costs, those elements of his written motion were ignored and not granted by the judge. If the defendant had asked orally for sanctions and costs demanded in his written motion, would they have been granted? I don't know, but perhaps we'll find out if anyone uses a similar motion and strategy to protect themselves against prosecutorial slander.

In the meantime, this motion appears to have worked in part (once) and laid a foundation for both additional understanding and possible legal strategies that might be helpful when bumping heads with Feds or their little prosecutorial pals in the state courts. Names DO hurt and this motion offers a strategy that might help to minimize that pain. However, bear in mind that although this motion appeared to work once, the defendant nevertheless wound up doing about two years in the federales' pokey. So don't imagine this is a silver bullet. It is a concept to be considered, explored, and perhaps applied.

IN THE UNITED STATES
DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, Plaintiff,
V.
JOHN DOE and JEAN DOE, Defendants.

MOTION FOR SANCTIONS AGAINST PLAINTIFF'S ATTORNEY FOR SCANDALOUS PLEADING MADE ON THE RECORD, AND TO STRIKE SCANDALOUS PLEADINGS FROM THE RECORD, AND MEMORANDUM IN SUPPORT

Comes now Defendant John Doe [hereinafter Doe] and hereby moves the Court, pursuant to Rule 11 of the Federal Rules of Civil Procedure, to sanction Plaintiff's attorney, Mr. Ralph F. Shilling, Jr., for deliberately and maliciously pleading that Defendants John Doe and Jean Doe are "tax protesters"; and, pursuant to Rule 12(f) FRCP, to strike from the record all references made that Mr. & Mrs. Doe [hereinafter "Does"] are "tax protesters", and in support of his Motion Doe respectfully shows:

At or about August 25, 1993, Plaintiffs filed a document entitled United States' Emergency Motion, And Memorandum In Support Thereof, For Protective Order And To Quash Deposition Of Chief Judge Barefoot Sanders. On page 3, in paragraph 7 of such document, the Does are accused of being "longtime tax protesters who do whatever they can to delay the collection and enforcement of the Federal Tax laws"; and then Plaintiff's attorney continues to slander the Does. Such document was signed by Ralph F. Shilling, Jr., Texas Bar No. 123456789, currently employed by the U.S. Department of Justice, and participating in this Cause as attorney for Plaintiff.

Memorandum

The United States Department of Justice is an agency of the federal government and, as such, maintains a prestigious position in the eyes of the public, as well as the Courts. Its officers, agents and representatives are held in high esteem. Their actions and their words at all times reflect the integrity of the federal government, and are influential in all matters with which they become involved.

There are, however, certain matters wherein the government lacks the authority to interfere. *Inter alia*, the Bill of Rights was designed to prevent encroachment by the government in areas concerning matters of conscience, beliefs, ideas, opinions and the like. Among the areas held sacrosanct are included the right to believe what one chooses, the right to differ from his neighbor, the right to associate with whomever he chooses, the right to join the groups he prefers, the privilege of selecting his own path to salvation, and the right to pick and choose the political philosophy that he likes best. Political preference and political opinion are outside the scope of governmental influence and control.

"We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State, . . . the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Virginia Board of Education v. Barnette*, 319 U.S. 624, (1943).

The above-referenced scandalous remarks of Mr. Shilling are designed to have a chilling effect on the Court's opinion of the Does and their position herein, as well as to affect the outcome of the action itself.

The scandalous remarks of Mr. Shilling violate the Does' right of the liberty to associate politically as they choose; to maintain their thoughts, ideas and opinions, and hold them freely and without fear of reprimand or ridicule from government employees. When Mr. Shilling mocked the Does' political beliefs by making intentional and insulting reference to their actions in this Cause, he deliberately slandered the Does just as surely as had he referred to them as "niggers", "idiots" or some other derogatory label.

Such remarks were made with malice and with intent to prejudice the Court against the Does, as well as to instill fear and intimidation in them, in an attempt to show the Does and the Court that the Does should be treated differently from other litigants because they may espouse political views and opinions different from those held by Mr. Shilling. Mr. Shilling expects to find a sympathetic ear in the Court because both Mr. Shilling and the Court have the same employer.

It is also obvious that Mr. Shilling's remarks were aimed at ridiculing the Does for a embracing a political philosophy which Mr. Shilling, and, perhaps, the Plaintiff which he herein represents, disapproves. The Constitution does not permit such action on the part of Mr. Shilling, or the federal government.

"There are areas where the government may not probe. Private citizens, private clubs, private groups may make such deductions and reach such conclusions as they choose from the failure of a citizen to disclose his beliefs, his philosophy, his associates. But government has no business penalizing a citizen merely for his beliefs or associations. It is government action that we have here. It is government action that the Fourteenth and Fifth Amendments protect against." *Beilan v. Board of Education*, 357 U.S. 399 (1958), Mr. Justice Douglas, dissenting.

The Does do not know whether Mr. Shilling expressed his own personal policy respecting Does' political posture, or whether Mr. Shilling expressed the official position of the Plaintiff, when he referred to the Does as "tax protesters". In either case, such posturing by Mr. Shilling is in violation of Does' Fifth Amendment right to equal treatment under the law, as well as to the liberty of choosing the political philosophy which they prefer.

". . . the basic principle [is] that government can concern itself only with the actions of men, not with their opinions or beliefs. As Thomas Jefferson said in 1779:

'. . . the opinions of men are not the object of civil government, nor under its jurisdiction; . . . it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order.' 2 *Papers of Thomas Jefferson* (Boyd. ed. 1950) 546. . . . When we make the belief of the citizen the basis of government action, we move toward the concept of **total security.** Yet **total security** is possible only in a totalitarian regime-the kind of system we profess to combat." (Emphasis in original) *Beilan v. Board of Education*, 357 U.S. 399 (1958), Mr. Justice Douglas, dissenting.

The impact of public identification [as a "tax protestor", for example] on First Amendment freedoms was acknowledged by Chief Justice Vinson in *American Communications Assn. v. Douds*, 339 U.S. 382, where he said, "Under some circumstances, indirect 'discouragements' undoubtedly have the same coercive effect upon the exercise of First Amendment rights as imprisonment, fines, injunctions or taxes."

Mr. Shilling has acted with the full knowledge that his remarks were aimed directly at the political opinions and beliefs of the Does. The Fifth Amendment was designed to protect the Does against such infamous punishment. Infamy as a sanction in Roman Law is traced in Tatarczuk, *Infamy of Law, Canon Law Studies No. 357*, The Catholic University of America (1954), 1 - 13. The penalties that Roman Law attached to infamy are familiar; exclusion from the army, from all public service, and from the exercise of certain public rights. Id. at 10.

The history of infamy as punishment was notorious. Luther had inveighed against excommunication. *The Massachusetts Body of Liberties* of 1641 had provided in Article 60, "No church censure shall degrad or depose any man from any Civill dignitie, office, or Authoritie he shall have in the Commonwealth." Loss of office, loss of dignity, loss of face were feudal forms of punishment. Infamy was historically considered to be punishment as effective as fine and imprisonment.

Professor Mitchell Franklin of Tulane University in an article entitled *The Encyclopediste Origin and Meaning of the Fifth Amendment*, 15 Lawyers Guild Rev. 41, shows how the Italian jurist, Beccaria, and his French and English followers, influenced American thought in the critical years following our Revolution. The Beccarian attitude toward infamy was a part of the background of the Fifth Amendment. The concept of infamy was explicitly written into it, for the first Clause contains the concept *in haec verba*, "No person shall be held to answer for a capital or otherwise *infamous* crime, unless on a presentment or indictment by a Grand Jury. . .." (Emphasis added.)

Beccaria was the main voice against the use of infamy as punishment. He showed that the curse of infamy results from public opinion, and oppression occurs when infamy is imposed on the citizen by the State. Beccaria' *s Essay on Crimes and Punishment*, with its famous commentary by Voltaire was known in America immediately after its first appearance in France, and was the first of Voltaire's works to be published in America. It was popular in lending libraries and as a quickly sold item in bookstores because of general interest in the formation of a new social order evolving here.

As a famous French jurist stated:

"It is in the power of the mores rather than in the hands of the legislator that this terrible weapon of infamy rests, this type of civil excommunication, which deprives the victim of all consideration, which severs all the ties which bind him to his fellow citizens, which isolates him in the midst of society. The purer and more untouched the customs are, the greater the force of infamy."

Brissot de Warville, *1 Theorie des Loix Criminelles* (1781) 188.

By his scandalous statement, Mr. Shilling has brought infamy on the heads of the Does. This is precisely what the Fifth Amendment prohibits.

Conclusion

Does have suffered a loss of their liberty at the hands of Mr. Shilling by his defamatory remarks having been made on public record. Mr. Shilling would have the Court treat the Does as outlaws not entitled to the full respect and dignity due them as Sovereigns. This situation is no different than had Does been outlawed in Nazi Germany for being Jews. Mr. Shilling has embraced the position of an autocratic manipulator; thereby assuming a posture repugnant to one holding his office, and wholly outside the scope of his authority.

Does are aware that the Court cannot redress the grievous injury inflicted upon Does' liberty by Mr. Shilling. However, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure [FRCP], the Court can order the subject scandalous pleadings of Mr. Shilling stricken. Pursuant to Rule 11 FRCP the Court can sanction Mr. Shilling by appropriate imposition of a fine commensurate with the tactics of Mr. Shilling's having slandered the Does, and having done so immediately prior to the trial date and thus causing deliberate disruption of these proceedings and unnecessary delay. The Court also can Order Mr. Shilling to pay the Does' costs for having to prepare this Motion.

Doe will not ask the Court to have Mr. Shilling removed as attorney for the Plaintiff, although Mr. Shilling may wish to withdraw voluntarily, as Doe intends to bring a civil action against Mr. Shilling for violation of his constitutional rights; thereby placing Mr. Shilling and Doe in the position of being personal adversaries.

WHEREFORE, PREMISES CONSIDERED, Doe prays that the Court:

1. Order stricken from the record all references made to Does being "tax protesters"; and the entire Paragraph No. 7, on page 3 of United States' Emergency Motion, etc., filed at or about August 25, 1993;
2. Order Mr. Shilling to pay an appropriate fine for having disrupted these proceedings and caused unnecessary delay;
3. Order Mr. Shilling to pay costs of prosecution of this Motion to Doe in the amount of $1,000.00 [$125.00 per hour for eight hours];
5. And for such other and further relief which the Court deems just and proper.

DATED this the __day of August, 1993.

Respectfully submitted,
John Doe
Dallas, Texas

Site-Specific Murder

by Eric C. Moebius

Eric Moebius has been a lawyer for fifteen years, five of them as a Texas Assistant Attorney General. As a private attorney he stumbled onto a serious of unusual insurance cases that involved catastrophic or fatal injuries in which the insurance companies had lawfully won (and need not pay out an insurance claim for the injury or death) but nevertheless chose not to win, chose to pay huge claims that need not be paid.

Over time, Mr. Moebius realized the insurance companies wanted *to pay the claims because the insurance executives, lawyers for the plaintiff, and the trial court judge conspired to "separate" the legitimate victim or heir from the claim. Then, after the legitimate claimant was tricked into believing the case was lost, the conspirators would process the claim. The insurance company would issue a check to the claimant's attorney and the attorney would divide the money between the judge, attorneys, and insurance executives. The legitimate victim or heirs, believing their case permanently lost, would never receive a dime.*

What was originally intended to merely defraud legitimate accident victims evolved into a murder-for-money scheme in which the conspirators would cause an innocent person's death on an over-insured property in order to "launder" enormous sums of money through the insurance company and courts. This entire process was described in AntiShyster Vol. 6 No. 1, and can also be found in the "Hot News" section of the AntiShyster webb site at www.antishyster.com. In the previous installment, Mr. Moebius has named one former Texas State Bar president, on Texas appellate court judge, and one Texas Supreme Court Justice has having played a role in these "separation" schemes.

Since Mr. Moebius began to expose this scheme, the State Bar of Texas tried to disbar him unsuccessfully eleven times, but finally succeeded on the twelfth. He is now unemployed and fearful that he may be killed. However, since the story first appeared in the AntiShyster, one Texas Ranger, the U.S. Attorney's Office, and the I.R.S. have begun to investigate Mr. Moebius' allegations and those insurance companies, judges, lawyers and individuals allegedly involved in the separation and murder schemes.

Mr. Moebius' understanding of these schemes is constantly growing, refining, and can be expected to change and improve over time. Here's his second installment.

Murder to collect life insurance is limited to the policy limits which must be announced before the murder. Likewise, given that the beneficiary of the policy is often known, so is the motive for the murder.

Murdering individuals on a specific business site, however, offers considerable advantages over life insurance murders. The principle advantage is that much more insurance money can be moved through the subsequent death claim. With "site" (or "premises") insurance coverage, a great many additional elements come into play, like gross negligence, pain and suffering, loss of earning capacity and loss of consortium. If the bodies are set on fire, fire damages are also excited. Unlike life insurance, the "payouts" through the site-based death claims are expansive and determined by the victim's age and the amount of suffering the victim undergoes prior to death. As a result, a single site-specific murder can move ("launder") as much as $20 million through one death claim.

Moreover, site coverage more easily conceals the intent to move enormous sums of money through the death claim. Conducting the murder in a normal "negligence zone" (such as a convenience store) is 1) "site specific" (the murder must occur at a *specific* business which is intentionally over-insured); and 2) perpetrator nonspecific (there is no obvious personal relationship between the killer and the victim), which helps conceal the motive for the murder.

Because all insurance payouts on personal injury claims are tax free, these payouts present a one sided, nontaxable event which further enhances the covert movement of the money. The transaction is "one-sided" in that while the insurance company reports to the I.R.S. that it paid the money, *no one reports receiving it.* It is "nontaxable" in that the insurance company deducts the money it pays out as a cost and pays no taxes on it, and the recipient collects the money as a personal injury compensation and also pays no taxes. The I.R.S. is defrauded at both ends.

If a family member has agreed prior to the murder to allow the death claims to be shared and used for money laundering (a process called "co-hosting"), the case will not be tried as no separation scheme will be necessary. The case will instead be "settled" and all the conspirators (including the family member who betrayed the victim) will receive a portion of the laundered money.

If a family member does not participate in the murder, the family will be subjected to a "separation scheme", with all subsequent movement of money through the claim being covert and unauthorized. Post separation, the claim will be used to launder money out of the "host" insurance carrier's reserve accounts, presuming the claimant is "separated" from the claim and

the claim is left "open" through the use of gross reversible error and/or fraud. As such, the motive for the murder is the creation and subsequent pirating of the claim itself.

If the claim's true owner is "separated" from the claim and third parties thereafter access the "pirated" claim to launder money through the claim, the claim's true owner will have no knowledge of the post separation money laundering transaction. This is true even though payouts are attributed to the claim's true owner. Thus, not only will the murder victim's wrongful death claim be subjected to unauthorized use by third parties, the money will be issued in the name of the claim's true owners (heirs of the deceased) but without their knowledge or permission. Again, this enhances the covert movement of the money and protects the identity of the murderers and money launderers.

Show time

If the site-specific murder is a money laundering transaction, the entire murder will be a staged event. As a result, the murder will show subtle but definite signs of "gross premeditation"; i.e., planning designed to insure the overall success of the money laundering scheme. Every element, including the site, the victims, the murderers and the money that is paid through the claims will be provided by the money launderers. Anyone familiar with the process knows that money laundering is always concealed by an illusion. Money laundering always appears to be some other activity. The creation of this illusion or cover mandates elaborate "staging", which by its very nature demands gross premeditation. As such, it cannot be overemphasized how prevalent "gross premeditation" and planning will be in these instances and how vulnerable these murders will be to sophisticated inquiry and investigation.

Success of any money laundering scheme is defined by the absence of "trace back", the most feared and hated element of the scheme participants. Trace back not only imperils the scheme, it threatens discovery of the vast sums of currency held by the money launderers. Avoiding trace back means providing stringent security for the murderer. If the murderer or murderers are caught, trace back occurs and the money launderers' identities come to light. If the general scheme is frequently employed -- as seems to be the case with these site-specific murders -- trace back through one murder imperils the entire infrastructure used to conduct repeated site-murder schemes. Conducting discovery into just one scheme (such as Mrs. Garcia's; see *AntiShyster* Vol. 6 No.1), imperils the entire infrastructure. As a result, participating courts deny all inquiries and discovery.

Subtle clues

What should the layman or lawyer look for? How can it be said that the injury, death or murder was a staged event, done under a cover motive? Look for two signs of site-specific death and murder. The first sign is unusual negligence, with multiple paths that seem designed to insure the occurrence of the "injury event" and the creation of the site-specific death claim. Where overt murders are involved, unusual steps will be taken to insure security for the murderers. The second sign is the presence of a separation scheme. Such schemes lack subtlety and are often conducted by racketeering judges through the use of intentionally reversible error. In severe situations, the State Bar will be aggressively utilized to shake the *legitimate* plaintiff's attorney from the pirated claim.

Once the claim is created through the site murder, a follow-up scheme is implemented which prevents the claim's true owner (heirs of the deceased) from accessing or using the claim. This "separation scheme" will be blatantly evident as great efforts will be made to (1) deny the true owner access to the claim but nevertheless (2) keep the claim open. Fraud through the attorney-client relationship, the court's intentional use of gross reversible error -- or both -- may be used to "separate" the claim's legitimate owner from the claim. As a result, a trained eye will see evidence that the courts may be participants in the site murder schemes, a factor that is illustrated in the *Havner* case.

By diminishing the security for store employees, security for any potential robber or murderer was greatly increased. So was the "cover" motive, as any murder of a convenience store employee would be automatically credited to the motive of robbery for the increased amount of unsecured money kept on the site. Creating a cover motive provides security for the money laundering operation as cover motive obscures true motive.

Site-specific murder, when conducted at a convenience store, provides an ideal cover motive that obscures the real motive. Site murders conducted in other locations, such as homes, provide weaker cover motives and thereby allow the money laundering motive to be more easily discovered.

Diana Havner

In 1987, Diana Havner was murdered while working nights as a convenience store clerk in Sulphur Springs, Texas. Her case offers a classic illustration of the elements that may be present in a site-specific murder. Although the apparent motive for her death was simply the robbery of the convenience store, the real motive may have been the creation of a death claim against an insurance company. Because the *Havner* case (reported at 825 S.W.2d 456 and 832 S.W.2d 368) appears to be both an example of an employer intentionally "setting up" an employee to be murdered "on site" and has also become the controlling case which determines the presence or absence of liability in site-specific murders, there is a great deal of merit in discussing Diana's murder.

E-Z Mart purchased a convenience store in Sulphur Springs, Texas in 1987. The store had previously operated under another name for seven years. Throughout that seven years, the store's security system had been served by a silent alarm system, costing $8 a month. Site security was augmented by the presence of a telephone.

In the seven year period before the purchase of the store by E-Z Mart, the store had never suffered a robbery, although two false alarms had been triggered. Each false alarm resulted in a police response in less than 60 seconds. A 60-second police response makes premeditated murder at a specific site virtually impossible. Therefore, if a premeditated murder were planned at the E-Z Mart, store security would have to be decreased.

Within days of purchasing the store, E-Z Mart removed the $8/month silent alarm system. E-Z Mart also altered the phone so outgoing calls could not be made. As a result of these alterations, no store attendant could call 911 or, for that matter, anyone else for help. Large signs were put in place over the windows which prevented passersby from looking in. Check cashing was added, increasing the amount of money on the premises. At the same time, the drop safes were removed, ensuring that the entire day's receipts would be accessible to robbery.

Set-up for murder?

Four months after new owners bought the E-Z Mart, Diana Havner was raped, murdered and abducted. Once murdered, the death claim on the specific site was created. Because Diana had two children, additional derivative claims were also produced, creating a total of three personal injury, site-specific claims.

Was Diana Havner set up by her employer? It can be presumed that if a separation scheme occurred in the *Havner* case (a case in which the family members were *not* participating) the trial record shows that even with these startling liability facts, the claimants (Havner's heirs) were not permitted to recover. Was a separation scheme attempted in the Havner case? Judge for yourself. See if the actions of the court or E-Z Mart defy ordinary logic and therefore imply the presence of unseen motives.

At trial, six experts testified that Diana's death was "foreseeable" and that the removal of the silent alarm and phone enhanced that foreseeability. Because the death was foreseeable, E-Z Mart was liable. The jury returned with a verdict finding liability and accessing $4 million in damages. For the moment, E-Z Mart lost and Diana's family had exclusive use of the claims.

However, a separation scheme appears to have been activated during the appellate process when the Texarkana appellate court ruled that Diana's attorney had "failed to put on a scintilla of evidence of foreseeability" -- despite the record of the six expert's testimony. By law, the appellate court's only legal choice was to reverse the judgment of the trial court and *render* in favor of E-Z Mart. Under this appellate ruling, Diana Havner's children would lose and the owner of the E-Z Mart would win and be entitled to a directed verdict in his favor.

E-Z Mart should have demanded a favorable directed verdict. This would result in an outright win for that E-Z Mart, and "close the claim" so no money could be paid by the insurance company to anyone. Instead, E-Z Mart acted like a coconspirator in a money laundering scheme in that they allowed the case to be remanded for a *second* trail -- where it would still be possible to "separate" the claim from Havner's heirs, and then launder a huge sum of money through a covert, post-separation settlement.

E-Z Mart's behavior was similar to a baseball team that's just won the World Series in bottom of the 9th inning of the seventh game -- but then agrees to play an eighth game for the title. If the victory is secure, why take another chance that might reverse that victory into a loss? There are only two possible explanations for snatching defeat from the jaws of victory: gross incompetence, or a secret "benefit" that makes losing more lucrative than winning.

It's the same in law: why would any business or insurance company "settle" a claim, even covertly, when they already have an outright win? Again, the answers can only be 1) incompetence; or 2) a secret benefit in losing that far outweighs the benefit of winning.

In order to keep the Havner claim open for a covert, post separation settlement, the appellate court did what it could not lawfully do. Instead of reversing and rendering for E-Z Mart (which would have closed the claim), the appellate court reversed and *remanded* the case for a new trial. Likewise, E-Z Mart did not complain at the prospect of facing a new trial as its apparent motive was to keep the claim open. Are we to believe that *both* the appellate court was so incompetent that it rendered and unlawful judgment *and* E-Z Mart was so incompetent that it didn't complain about being denied its outright victory? Or is it more likely that the court and E-Z Mart worked in concert to achieve and even "greater" victory?

Was the new trial good news for Diana Havner's children and bad news for E-Z Mart? No. What good is a new trial when no matter how much evidence of foreseeability is presented, the appellate court declares all such evidence to be no evidence? The appellate court's ruling in remanding for a new trial amounted to an impossible command. A new trial to no where. Under the mentality of the Texarkana appellate court, all the evidence in the world of foreseeability would be no evidence of foreseeability.

The *Havner* case went to the Texas Supreme Court, where Justice Doggett immediately caught the appellate court's improper action. Justice Doggett ruled that there *was* evidence of foreseeability and further instructed the appellate court that its decision to remand for a new trial was not within the court's power. Justice Doggett instructed the appellate court that its conduct was "most disturbing".

On remand, the appellate court, apparently determined to conduct a separation scheme and keep the pirated claim open, ruled that there was insufficient evidence of foreseeability and *again* reversed and (amazingly, but consistent with a murder scheme) *again* remanded the case for new trial. The appellate court was determined to keep the claim open, even to the extent that it disobeyed Texas Supreme Court Justice Doggett. The end result was the creation of a death claim for Diana Havner's murder that the claim's owners (Havner's children) would never be able to use. The claim was apparently "separated" from the claimants (Havner's children) and effectively pirated.

However, it should be noted that eventually the *Havner* case made it almost impossible for a plaintiff to prevail in a lawsuit involving murder at a workplace. Because the motive for the murders is the creation of an "open claim", a plaintiff's "at trial" loss actually imperils the scheme by shutting down the claim. As a result, the *Havner* case has made it *almost mandatory that there now be some participation by a family member* in the execution of the site specific murder. That way, a family member can file a claim, but agree not to litigate. This allows the insurance company to make a very generous "settlement" without going to court, including a judge as a coconspirator, and risk losing the money laundering opportunity. After all, any trial may ultimately result in complete closure of the claim (the insurance company absolutely wins and can't pay out a dime) or worse, the family members absolutely win all the money and none is laundered to benefit the conspirators.

Follow the money trail

How prevalent is site specific murder and money laundering through death claims? Far more prevalent than most would ever imagine. Site-specific murders can and do occur in any "normal negligence zone" where people die. This includes a doctor's office, an airplane or a hospital as well as a workplace or bar.

"FM Properties", an entity represented by attorney Roy Minton of Austin, has allegedly experienced the murders of 26 of its employees in Indonesia, with all murders taking place on FM sites or being conducted in trucks or shipping containers owned by FM Properties. Even these foreign murders can be "insured" here in Texas, allowing money to be downloaded from insurance companies through death claims that take place half a world away.

Death claims are the gang planks that permit the money temporarily placed in the host carriers to walk off tax free and unreported, money that will then acquire full central bank access, thus escaping the reporting requirements of the Bank Secrecy Act.

What is the chief culprit?

Money laundering, always conducted by way of conspiracy, is well known for the corruption and violence that attends it. At present, this country is in the midst of an epidemic of money laundering, brought about by looting the Savings & Loans in the 1980's, and the central government's policy of keeping the "old" cash in circulation. The Bank Secrecy Act (passed about 1980) established the reporting requirements (read "trace back") for any cash deposit over $10,000. As a result, an estimated $200 billion in old cash currently exists in bulk storage, hidden outside the central banking system. Because of its enormous volume ($200 billion), it is too large to be effectively moved back into the central banking system in $10,000 increments (it would require over 20 million deposits).

The recent but long-anticipated change in currency has accelerated concerns about trace back and security for "old" cash currency holders. Get caught with the money and you go to jail. Due to the change in currency, now even the maid can determine if her employer is a money hoarder. Nine months from now, even the maid will begin to wonder why she is continually being paid in old $100 bills. And if the new money *replaces* the old in the central banking system, that $200 billion in stored old cash will be quickly rendered as worthless as Confederate money. All these factors create a compelling motive for those holding the $200 billion to "launder" it back into respectability.

The primary purpose for the murder-based money laundering scheme may be to circumvent the reporting requirements put in place by the Bank Secrecy Act and move old cash currency into the central banking system. Because of the Bank Secrecy Act and its $10,000 reporting requirements, direct transactions with the central bank must be avoided. However, the reporting requirements and government oversight of the insurance industry is nowhere near as stringent and therefore insurance has become an avenue of choice for laundering enormous sums of money.

Like it or not, we have arrived at a time where the excess currency, spilled out by the central government's gross incompetence (allowing the S&L's to be looted), has empowered racketeers and other unsavory elements of our society. As a result, we exist under the thumb of people who have no desire or inclination for due process. Bribery, jury tampering, witness tampering, false indictments, harassing and punitive disbarments, arrest attempts based on pseudo-infractions, and judicial misconduct are becoming commonplace.

The central government has long acknowledged the danger the old cash drug and bank fraud currency poses to the central banking system through its enactment of the Bank Secrecy Act and the Money Laundering Suppression Act. It should likewise acknowledge the danger of leaving this currency "out there" where the old cash currency is actively funding a crisis in corruption and murder. Otherwise, this currency will continue to fund a war on the central banking system as well as a war on the society at large, resulting in a long term dominance by criminal elements unlike anything this country has ever seen.

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California Schemin': The Corrella Shuttleworth Story

by Dr. Harold Sweet, Ph.d.

The following allegations are made by Dr. Harold Sweet, a former employee, companion, and trustee for Mrs. Corrella Shuttleworth. Dr. Sweet has sent me information every month or two on the Shuttleworth case for at least two years. However, I don't have the personal resources to consider every story that's sent to me (we are swamped), and Dr. Sweet's was one of many that -- 'til now -- I had effectively ignored.

Part of the reason his story was ignored was because -- until recently -- I had no outside confirmation that his claims might be true. We receive a fair number of stories that I regard as erroneous, even falsely contrived and it's difficult to know which are -- and are not -- real. However, attorney Larry Becraft recently endorsed Dr. Sweet's story, and Mike Matson (also employed by Mrs. Shuttleworth and now living "on the run") has even passed through Dallas and met me once to ask that we help publicize their story. These people are making too much effort, assuming too much personal risk, and persisting in that effort since 1990 -- to dismiss their story as self-serving and false. It appears that two grown men have spent six years of their lives trying to rectify an injustice and perhaps murder done to their former employer. And so we finally made the effort to read, consider, edit and present Dr. Sweet's story.

Nevertheless, this presentation is one-sided in that it relies primarily on Dr. Sweet, Mike Matson, and some newspaper articles for its information. The alleged "bad guys" in this article were not contacted and although the allegations herein are believed to be generally true, some details may be inaccurate. Still, the preponderance of the evidence suggests that this story is essentially true and another important illustration of the quality of "justice" to be found in our probate courts.

Corrella Shuttleworth was an elderly but competent widow. Like many elderly Americans, she lived alone following the death of her husband Parnell, a former executive. As she aged, Mrs. Shuttleworth found proper help to assist her with household chores, making appointments, chauffeuring, etc.: a Mr. Michael Matson, who was in his early 40's when first engaged for services. I met this dear lady and was hired in 1984 when I was 49. I enjoyed tending to her extensive gardening requirements, as well as providing many hours of lovely companionship. Since both Mrs. Shuttleworth and I had been prodigious travelers in our day, there were always many interesting things to discuss.

The infirmities of her old age were only physical; Corrella was of clear mind to the end of her days. Unfortunately, she was prone to spontaneous falls, the cause of which had never been properly diagnosed. She had several such falls during Mr. Matson and my tenures which covered the last six years of her life.

Only after working for her for several years, I learned that she had two step-daughters. (I first met one of them when it was time to re-invest the principal of the income producing trust. The other, I met only once, following six years of service.) Corrella was genuinely estranged from them and made it clear that she wanted them to have no knowledge whatsoever of the condition of her health. It was likewise apparent that the two step-daughters had only ill feelings for Corrella. The reason for the conflict between Corrella and her step-daughters became apparent: money.

When her husband (and the step-daughters' father) Parnell died in 1983, his entire estate of $500,000 was willed to Corrella, but through the step-daughters' machinations, this figure was divided into three parts of $150,000 each, the $50,000 balance going to the attorney who arranged the "redistribution". Therefore, starting in 1983, Corrella had an income producing trust worth $150,000. Corrella was responsible for tax purposes for income derived from this trust, but the principal was controlled by her estranged step-daughters and was to revert to them on Corrella's death.

Corrella's home was a beautiful estate that was fully paid for -- primarily by Corrella, who had worked for many years as a successful buyer for a prominent department store. The house was appraised in 1990 at $460,000.

Corrella had two different and separate instruments of her own to insure her final wishes: a Will and a "living" or intervivos Trust. The Will contained about $10,000 worth of personal assets like clothes, furniture, etc. The living trust contained her $460,000 home. Both of these legal instruments had been prepared by competent counsel in 1989. Based on our five years of service, Mrs. Shuttleworth also appointed Mr. Matson and myself as co-trustees for the trust that held her home.

Although always far "too busy" to visit their step-mother, the step-daughters found time to spread a fabric of slander and lies to the neighbors about her help, Mike Matson and myself. The step-daughters accused Mr. Matson and I of "beating, abusing and robbing" Mrs. Shuttleworth. But interestingly, the stepdaughters never filed a police report or bothered to see for themselves if such was actually the case. On the contrary, Deanna Lyon, Corrella's chosen attorney confirmed she was "well-cared for and well-manicured" under Matson's and my care. And James Wheeler, Corrella's brother, is on record as being quite happy with Corrella's "help".

Corrella had another fall in the early part of 1990 and this time she broke her hip. This is serious for the very elderly; she was 92 at the time, but was healing well and past the danger point associated with the problem. She returned home from the hospital but it looked like her medical care would

exhaust the $150,00 income producing trust. The principal had already eroded to $100,000 and could conceivably dwindle to nothing. The two step daughters (who controlled the trust and stood to inherit any remaining principal if Corrella died) seemed to become frantic .

Just after Corrella's fall, the step-daughters actively re-entered Corrella's life. They initiated a "Conservatorship Petition", fraudulently representing themselves as "daughters by blood", thus displacing Corrella's real blood relatives. This perjury and other bogus allegations of the Petition were refuted in open court, but to no avail. The court favored the step-daughters and appointed Mr. Fred Isaacs of "I.M.T. Associates" (San Leandro, Cal.) "Conservator" over Corrella's person and her $10,000 will. Then, misusing Probate Code Sec. 2800 and acting outside its authority, the court replaced Mr. Matson and myself (the lawful trustees for the trust that contained the $460,000 home) with attorney Mike Ferguson. Finally, the court mandated a private visit of the step-daughters with the recovering Corrella -- but Mr. Matson and I were barred from being present. Incredibly, within 10 days after the alleged "Conservator" and new Trustee were appointed and only 10 *hours* after the court-mandated private visit by the step-daughters, Mrs. Shuttleworth was dead under some extremely suspicious circumstances.

For example, conservator Isaacs filed a fraudulent report with an investigator in the Coroner's Dept. Isaacs falsely claimed to have placed the call to "911" summoning emergency help; he claimed to be the first to arrive at the scene, that Corrella had been abandoned, and that she was "dead on the floor" upon his arrival.

911 records prove Mr. Matson made the call for emergency help. After Mr. Matson arrived at the home at approximately 9:45 PM, his first call was to I.M.T. Associates (conservator Isaac's firm) but the nursing supervisor refused to return his emergency call. He called again , this time talking directly with the supervisor, who recommended he *wait 30 minutes* before calling 911! When firemen/paramedics arrived shortly thereafter, (no thanks to Corrella's court-appointed Conservator), they found the "advice" of I.M.T.'s nursing supervisor to wait 30 minutes on a 911 medical emergency "unsound". Mrs. Shuttleworth was pronounced dead soon after arrival at the hospital. The court-appointed Conservator Isaacs did not show up at the residence until approximately 1:30 am, on the morning following her death. He was never present during any of the events which immediately preceded her death.

Next, a falsified death certificate was filed by Dr. Robert Tufft, Corrella's physician of record for the last year and a half of her life, and "coincidentally" an associate of conservator Isaacs. The 92 year old woman was recorded as being *only 79* by this very same Doctor Tufft.

Why?

I believe her age was intentionally falsified because for over a year, Dr. Tufft had repeatedly prescribed a deadly duo of medications for Corrella which are prohibited for use by any one *over the age of 79*! First, the deadly Digitalis drug "Lanoxin" (which is not to be used in conjunction with any diuretic) was prescribed for Corrella. But Corrella was simultaneously treated with the *diuretic* "Dyazide" (which removes the body's sodium), and although a potassium supplement is mandatory with this particular diuretic, none was given. Additionally, Dr. Tufft and conservator Isaacs falsified Corrella's social security number on the death certificate.

Probate hearings were begun *on the $10,000 will and $460,000 living trust* (on which the step-daughters had no lawful claim) based on the signature of a purported niece -- a woman not seen in the area for over 30 years. The signature was proven to be a forgery. Still, the onerous Probate continued despite the fact that under California law, probate courts only have jurisdiction over *wills* worth *more than $60,000*, but do *not* have jurisdiction over irrevocable trusts which are wholly exempt from probate procedures and can only be challenged by a lawsuit in Superior Court. Until such lawsuit is won, the trust stands inviolate, as per the intent of its founder.

The intent of the court soon became clear. By ignoring Corrella's 1989 will, and co-mingling elements of a 1983 will that Corrella had revoked with the $460,000 Trust, the judge apparently conspired with the step-daughters' attorney, Montie S. Day, and the court appointed Trustee, Mike Ferguson, in what is known as a "trust conversion" . During the entire extent of the hearings, Judge Travis made no mention of the word "Trust", preferring instead the term "revoked will".

Provisions written into the Trust that it be defended in court were ignored. Mr. Matson and I retained attorney Larry Wilson who apparently lacked the ability (integrity?) to offer adequate defense for the Trust and who soon disappeared!

At one hearing, there was an effort to frame Mr. Matson and myself (lawful co-trustees) by a surprise witness, not on the jointly submitted witness list. This wit-

ness, a certain "Nathaniel Bobbitt" had, interestingly, identical credentials to Mr. Day, as both were former FBI and IRS agents.

Mr. Bobbitt alleged that based on data extrapolated from tax records, the $150,000 income-producing trust had been reduced by Mr. Matson and I while Corrella had been under our care. We produced Corrella's accountant's records proving the two *step-daughters* had secretly moved the missing income from four accounts into a "Putnam" fund and quickly destroyed the testimony of this surprise character assassin. Nevertheless, Judge Travis persisted, often with bizarre rulings, and upheld the trust conversion.

In a long series of actions to silence the Shuttleworth Trust's lawful co-trustees, Mr. Matson and I were both eventually jailed for alleged criminal violations of a "court order". To keep Matson and myself from bringing the details of the Trust conversion to light, attorney Montie Day instituted a *civil* lawsuit which was prosecuted *criminally* in direct violation of California law. Attorney Day won a court order (which we must violate!) which prohibits us from talking to the Police, the media, grand juries, or neighbors about the conversion racket of the Alameda Courts. We have both served jail time for "contempt" of the unlawful and unconstitutional gag order.

However, since these criminal prosecutions, Alameda County Sheriff Charles Plummer claimed in a front page story in the Dec 30 , 1992 *Oakland Tribune* "The entire Alameda County criminal justice system is bankrupt and no one has the guts to fix it"!! Don't we know!

The bottom line? My partner Mike Matson is "on the run" from the forces of "trustee" Mike Ferguson[1] and attorney Montie Day[2] and without even a place to "hang his hat" because of an alleged *misdemeanor* probation violation connected with the gag order. In fact, the Alameda County judge has issued a *$250,000* all-states warrant on the *misdemeanor*! There is no question, someone wants this case buried . . . !

I maintain a tenuous hold on my apartment here in Alameda County. But Mr. Matson and I will fight on to the best of our ability and meagre means to bring the court systems of Alameda County to JUSTICE; defending to our final breaths the last wishes of our boss, Corrella Shuttleworth, the grand old lady of the Oakland Hills.

May she Rest in Peace. . . .

[1]In a report headlining the August 22, 1995 *Oakland Tribune*, California State Senator Quentin Kopp filed suit in Alameda County Superior Court, on behalf of the penniless, wheelchair bound granddaughter of Albert Einstein, claiming the same Mr. Mike Ferguson was also trustee of a $15 million secret Einstein trust. He had hidden the trust from Einstein's granddaughter, seeking to sell the Nobel Prize winner's letters and manuscripts after the cancer-stricken granddaughter died. Ferguson resigned from the Einstein trust but never returned calls from the *Oakland Tribune*. Apparently Mr. Ferguson has found his niche as a "Trustee"....

[2]Additional information has come to this editor's attention supporting Dr. Sweet's claims regarding the integrity of one of their adversaries. A "Summary of Litigation" has been recently discovered concerning a pistachio ranch partnership in which one of the parties was a certain "Montie S. Day". On May 28, 1992, the court reportedly held that an appeal by Day was "frivolous and had been brought in bad faith and for the purpose of delay". The three judges in the case imposed $20,000 in sanctions against Day and his attorney partner. The court held that the $20,000 in sanctions was appropriate, since the court had, on a previous occasion against the same attorneys, imposed almost $10,000 in sanctions, "with no discernible effect"! For those interested, see *Papadakis v. Zelis*, 11 Cal.Rptr.2d 411 (July 1992).

etc.

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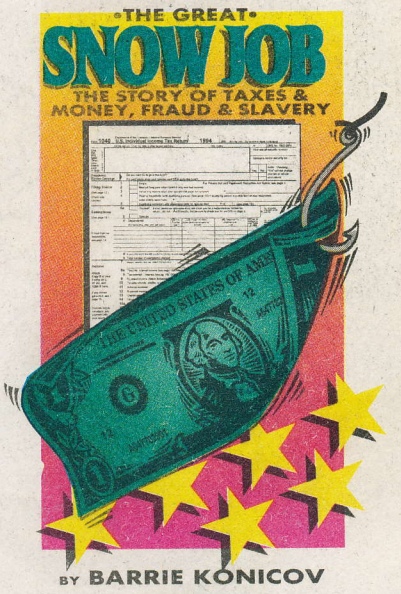

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